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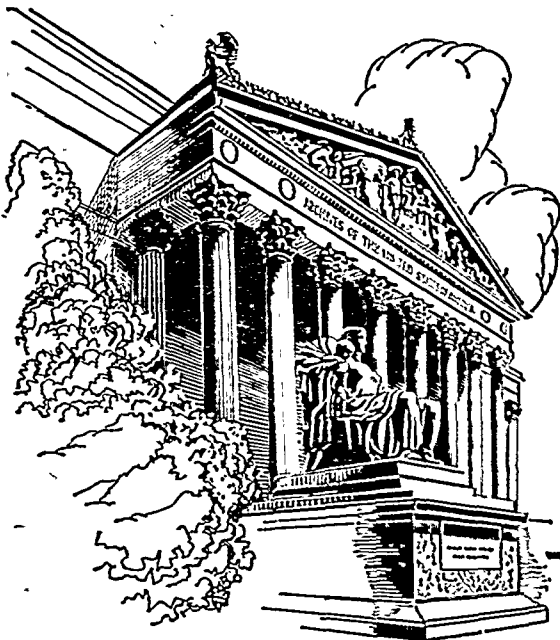
Saturday, October 21, 1967 • Washington, D.C.

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Agencies in this issue—

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Conservation Service
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Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
Federal Aviation Administration
Federal Power Commission
Federal Trade Commission
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Committee
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(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 225]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.525 Valencia Orange Regulation 225.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated

among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 19, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 22, 1967, through October 28, 1967, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 500,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 20, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12562; Filed, Oct. 20, 1967; 11:16 a.m.]

[Lemon Reg. 290]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.590 Lemon Regulation 290.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 17, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 22, 1967, through October 28, 1967, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 46,500 cartons;
- (iii) District 3: 130,401 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 19, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12483; Filed, Oct. 20, 1967; 8:49 a.m.]

[Grapefruit Reg. 44]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.344 Grapefruit Regulation 44.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 19, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period October 23, 1967 through October 29, 1967, is hereby fixed at 125,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 20, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division,
Consumer and Marketing Service.

[F.R. Doc. 67-12563; Filed, Oct. 20, 1967; 11:16 a.m.]

[Grapefruit Reg. 12]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.312 Grapefruit Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and after consideration of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found, on the basis hereinafter set forth, that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

The committee reports that because of unseasonably large shipments of Interior grapefruit early in the season, the supply channels are becoming filled and excessive supplies should not be permitted in the market as they could tend to further depress the market. The current average auction price for Interior grapefruit shows a reduction to \$3.14 per $\frac{1}{2}$ -bushel carton from \$3.41 per $\frac{1}{2}$ -bushel carton at the beginning of the previous week which had declined from a somewhat higher average price for the week prior thereto. Also, handlers are likely to utilize additional harvest labor which normally would be used to pick oranges and tangerines to harvest Interior grapefruit as oranges and tangerines have not reached the proper maturity for harvest and this could result in excessive amounts of such grapefruit available for shipment. The shipment of such excessive amounts may accentuate further price decline; and a limitation of grapefruit shipment at this time of season would tend to prevent market gluts; and such limitation would also tend to establish and maintain such orderly marketing conditions for such grapefruit as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout its normal marketing season so as to avoid unreasonable fluctuations in supplies and prices, which could result in part from an Interior grapefruit crop which is currently estimated to be significantly

smaller than that of last year. The committee concluded on the basis of the foregoing and other pertinent factors that shipment of Interior grapefruit should be fixed at 650 carloads (325,000 standard packed boxes); and it so recommended.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 17, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 23, 1967, through October 29, 1967, is hereby fixed at 325,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 19, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division,
Consumer and Marketing Service.

[F.R. Doc. 67-12490; Filed, Oct. 20, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

NONFAT DRY MILK, SPRAY PROCESS

The program heretofore announced to support prices to producers for milk and butterfat for the marketing year April 1, 1967 through March 31, 1968 (32 F.R. 5767) is hereby amended as follows:

Section 1430.281(b) (1) is amended by substituting the following schedule of prices for nonfat dry milk in lieu of the price set forth therein:

Commodity and location	Price per pound
* * * * *	
Nonfat dry milk, spray process:	
100-pound bags with sealed closures ²	\$0.1960
50-pound bags with sealed closures ²	.1985

² If upon inspection the bags do not fully comply with specifications for sealed closures, the price paid will be subject to a discount of 0.2 cents per pound for milk in 100-pound bags and 0.25 cents per pound for milk in 50-pound bags.

Signed at Washington, D.C., on October 17, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-12473; Filed, Oct. 20, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-EA-81; Amdt. 39-494]

PART 39—AIRWORTHINESS DIRECTIVES

De Havilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require a check and retorquing when necessary of the four horizontal tailplane to aft fuselage $\frac{5}{16}$ -inch diameter bolts.

A recent report from the Department of Transportation of Canada disclosed that some of the bolts had one or two threads chamfered off. Since this condition is likely to exist in other aircraft of the same type, an airworthiness directive is being issued to require checking the fitting of these bolts.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure hereon are impracticable and

good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DEHAVILLAND. Applies to Type DHC-6 Aircraft.

Compliance required as indicated.

To preclude loss of the horizontal stabilizer, accomplish the following:

(a) Within the next 15 hours' time in service after the effective date of this AD, unless already accomplished, check that each of the four horizontal tailplane to aft fuselage $\frac{5}{16}$ -inch diameter bolts, P/N's NAS 625-36 and NAS 625-53, are torqued to a value of 225 to 250 inch-pounds. If correct, no further action is necessary. If loose, comply with (b).

(b) Retorque loose bolts to a value of 225 to 250 inch-pounds and recheck every 7 hours' time in service to assure that this value is maintained.

(c) The check required by (b) may be discontinued when a modification, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region is incorporated.

(d) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective October 21, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 13, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12466; Filed, Oct. 20, 1967; 8:47 a.m.]

[Docket No. 67-EA-83; Amdt. No. 39-493]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 66-30-4 requiring, in addition, an inspection of the lower engine mount support tube assemblies on F-27 type aircraft.

Airworthiness Directive 66-30-4 (Amdt. 39-315) requires inspection at various intervals of engine mount support tube brackets. After issuing AD 66-30-4 service experience has revealed cracks occurring in the lower engine tube assemblies and brackets. Therefore, the AD is being revised to require inspection of the latter assemblies and brackets.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and notice and public procedure hereon are impracticable. Good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. Airworthiness Directive 66-30-4 is amended by deleting the applicability and insert in lieu thereof "Applies to F-27 Type Airplanes Equipped with Upper Engine Mount Support Tube Engine Mount Support Tube Brackets, P/N 27-110105-11, -12, -31, -32, -41, -42, -51, -52, -61, or -62; or Lower Engine Mount Support Tube Assemblies, P/N 27-503101-11, -31, -41, -51, -61, or -71."

2. In paragraph (a) add the word "mount" between the word "engine" and the words "support tube brackets."

3. In paragraph (b) add a last sentence which reads: "The reinspection interval of the lower engine mount support tube assemblies may be adjusted to agree with the next required inspection of the upper engine mount support tube assemblies and brackets."

4. In paragraph (d), change the statement in parenthesis, "(four per airplane attached to the engine mount support tube bracket)," to, "(eight per airplane)."

This amendment is effective on October 21, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 13, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12467; Filed, Oct. 20, 1967; 8:47 a.m.]

[Docket No. 67-EA-110, Amdt. 39-495]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 66-17-3 and lower the cycle period prior to inspection and rework of engines operated at JT3D-3 and JT3D-3B power ratings.

Since the issuance of AD 66-17-3 there have been instances of cracks appearing in JT3D-3 and JT3D-3B engines. An analysis of stress versus life for those engines as compared with JT3D-1 engines established a basis for reducing the allowable number of cycles prior to inspection and rework from 6,000 cycles to 4,000 cycles for the former engines.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

PRATT & WHITNEY. Applies to Models JT3D-1, JT3D-1-MC6, JT3D-1-MC7, JT3D-3, and JT3D-3B Turbofan Engines with First Stage Fan Hubs. P/N 431001 that have not been inspected in accordance with Pratt & Whitney Aircraft Turbojet Engine Service Bulletin No. 1219, dated June 3, 1966, or later FAA-approved revision, and reworked in accordance with Pratt & Whitney Aircraft turbojet engine Service Bulletin No. 1066, dated October 25, 1965, or Service Bulletin No. 1219, dated June 3, 1966, or later FAA-approved revisions of these bulletins. Compliance required as indicated.

(a) Before further flight, unless already accomplished within the last four cycles and thereafter at intervals not to exceed four cycles from the last inspection, visually inspect front of first stage fan hub, P/N 431001, with 6,000 or more cycles since new for the JT3D-1, JT3D-1-MC6, JT3D-1-MC7, or JT3D-3 and JT3D-3B turbofan engine models operated at JT3D-1 engine power ratings, or 4,000 or more cycles since new for turbofan engine models operated at JT3D-3 or JT3D-3B engine power ratings, for indications of cracks emanating from root of fan blade slots, using a glass of at least 3 power.

(b) If indications of cracks are found, remove hub from service before further flight, except that the airplane may be flown in accordance with FAR 21-197 to a base where the hub can be removed.

(c) For the purposes of this AD, the number of cycles equals the number of landings (including touch-and-go landings).

(d) Upon submission of substantiating data through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch FAA, Eastern Region, may adjust the repetitive inspection period of the operator.

This amendment is effective October 24, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 13, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12492; Filed, Oct. 20, 1967;
8:49 a.m.]

[Airspace Docket No. 67-WE-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On Page 12724 of the FEDERAL REGISTER for September 2, 1967, there was published a notice of proposed rule making to amend Part 71 that would alter controlled airspace in the Eugene, Ore., terminal area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

No objections have been received, and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective as of 0001 e.s.t., January 4, 1968.

Issued in Los Angeles, Calif., on October 12, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2092) the Eugene, Ore., control zone, as amended in (32 F.R. 7124), is again amended to read as follows:

EUGENE, OREG.

Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°-13'05" W.); within 2 miles each side of the Eugene VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 8.5 miles south of the VORTAC.

In § 71.181 (32 F.R. 2183) the Eugene, Ore., transition area is amended to read as follows:

EUGENE, OREG.

That airspace extending upward from 700 feet above the surface within 2 miles east and 8 miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14 miles north of the VORTAC; within 2 miles southeast and 3 miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 2 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to 12 miles west of the VORTAC, and that airspace southwest of Eugene bounded on the east by a line 2 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of an 18-mile radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, and on the north by an arc of a 5-mile radius circle centered on Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.); that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to V-27; within 16 miles west and 10 miles east of the Eugene VORTAC 015° and 195° radials, extending from 26 miles north to 22 miles south of the VORTAC; within 6 miles east and 9 miles west of the Eugene VORTAC 172° radial, extending from the VORTAC to 39 miles south of the VORTAC, and that airspace southwest of Eugene bounded on the southeast by the northwest edge of V-121, on the northwest by the southeast edge of V-287, and on the north by a line 5 miles south of and parallel to the Eugene VORTAC 272° radial.

[F.R. Doc. 67-12448; Filed, Oct. 20, 1967;
8:46 a.m.]

[Airspace Docket No. 67-EA-59]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On July 25, 1967, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (32 F.R. 10866) stating that the Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would establish a restricted area north of West Sister Island in Lake Erie, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. There were no objections.

In consideration of the foregoing Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as hereinafter set forth.

Section 73.55 (32 F.R. 5769, 32 F.R. 10929 and 32 F.R. 2327) Ohio is amended as follows:

1. R-5502B Lacarne, Ohio, is revoked.
2. R-5502A Lacarne, Ohio, is deleted and R-5502 Lacarne, Ohio, is substituted therefor.
3. R-5505 Lake Erie, Ohio, is added as follows:

R-5505 LAKE ERIE, OHIO

Boundaries: Beginning at lat. 41°44'48" N., long. 83°10'00" W.; thence to lat. 41°47'18" N., long. 83°10'00" W.; thence to lat. 41°49'00" N., long. 83°05'50" W.; thence to lat. 41°46'15" N., long. 83°00'00" W.; thence to lat. 41°44'48" N., long. 83°00'00" W.; thence to the point of beginning.

Designated altitude. Surface to 2,600 feet MSL.

Time of designation: 0800-2300 e.s.t., Wednesday through Saturday; 0800-1700 e.s.t., Sundays.

Controlling agency: Federal Aviation Administration, Toledo Airport Traffic Control Tower.

Using agency: Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-12449; Filed, Oct. 20, 1967;
8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1200—STANDARDS OF CONDUCT

PART 1207—STANDARDS OF CONDUCT

Part 1200 of this Title 14 is redesignated Part 1207 and revised in its entirety.

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1207.735-2 Applicability.

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Appendix C—Miscellaneous statutory provisions.

AUTHORITY: The provisions of this Part 1207 are issued under E.O. 11222, of May 11, 1965, 30 F.R. 6469, 3 CFR 1065 Supp.; 5 CFR 735.104.

§ 1207.735-1 Scope of part.

The provisions of this part prescribe regulations for the maintenance of the high ethical standards of conduct required of NASA employees, including special Government employees as they are covered by this part, in carrying out their duties and responsibilities.

§ 1207.735-2 Applicability.

(a) The provisions of Subparts A, B, C and D of this part are applicable to:

(1) All regular officers and employees of NASA (referred to hereinafter as "employees"), but not special Government employees as defined in § 1207.735-601(a), and

(2) All civilian and military personnel of other Government agencies regularly detailed to NASA. (Also referred to hereinafter as "employees".)

(b) The provisions of Subpart E are applicable to:

(1) NASA employees except special Government employees as defined in § 1207.735-601(a), and

(2) Civilian and military personnel of other Government agencies regularly detailed to NASA; however, disciplinary action may be effected against such civil-

ian or military personnel only by the parent employing agency or military service.

(c) The provisions of Subpart F are applicable only to special Government employees as defined in § 1207.735-601(a).

Subpart A—General Provisions

§ 1207.735-100 Ethical standards of conduct.

Each NASA employee will refrain from any use of his official position which is motivated by, or has the appearance of being motivated by, the desire for private gain for himself or other persons. He must conduct himself in such a manner that there is not the slightest suggestion of the extracting of private advantage from his Government employment. Pursuant to this policy, each NASA employee will observe the following standards of conduct:

(a) He will not as a result of, or on the basis of, any information derived from his official position or from the official position of other NASA employees with whom he associates, engage, directly or indirectly, in any business transaction or arrangement, including the buying or selling of securities or recommending the purchase or sale of securities to other persons.

(b) He will exercise care in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of performing his Government duties.

(c) If he acquires information in the course of performing his Government duties that is not generally available to those outside the Government, he will not use this information to further a private interest or for the special benefit of a business or other entity in which he has a financial or other interest.

(d) He will not use his Government position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or to other persons.

(e) He will avoid any action, whether or not specifically prohibited by law or regulation (including the provisions of this part), which might result in, or create the appearance of:

(1) Using his public office for private gain;

(2) Giving preferential treatment to any organization or person;

(3) Impeding Government efficiency or economy;

(4) Losing his independence or impartiality of action;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1207.735-101 Other general standards of conduct.

(a) *Use of Government property.* An employee will not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and

conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

(b) *Indebtedness.* The indebtedness of NASA employees is considered to be essentially a matter of their own concern. NASA will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. Nevertheless, NASA employees are expected to honor in a proper and timely manner, debts which are acknowledged by the employee to be valid or which have been reduced to final judgment by a court, or to make or adhere to satisfactory arrangements for the settlement of such debts. Employees are also expected to meet their responsibilities for payment of Federal, State, and local taxes. For the purpose of this paragraph, "in a proper and timely manner" means in a manner which NASA determines does not, under the circumstances, reflect adversely on NASA as the employing agency.

(c) *Gambling, betting, and lotteries.* While on Government owned or leased property, or while on duty for the Government, NASA employees will not participate in any gambling activity, including the operation of a gambling device; in conducting a lottery or pool; in participating in a game for money or property; or in selling or purchasing a numbers slip or ticket. However, participation in federally sponsored fund-raising activities conducted pursuant to Executive Order 10927, or in similar NASA-approved activities, is not precluded.

(d) *General conduct prejudicial to the Government.* NASA employees will not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or any other conduct prejudicial to the Government.

(e) *Statutory prohibitions relating to gifts and decorations.* (1) An employee will not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift presented as a contribution from an employee receiving less salary than himself (5 U.S.C. 7351). However, this paragraph (e) does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness or death, or retirement.

(2) An employee will not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342 (see NMI 1030.1A).

(f) *Miscellaneous statutory provisions.* Each employee will become acquainted with the statutory provisions that relate to his ethical and other conduct, among which the following are particularly relevant:

(1) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflict of interests, as appropriate to the employees concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions against (i) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (ii) the disclosure of private or proprietary information (18 U.S.C. 1905).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government motor vehicle or aircraft (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibitions against proscribed political activities ("The Hatch Act"—5 U.S.C. 7324-7327; 18 U.S.C. 602, 603, 607, and 608).

(17) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

The foregoing statutes are available for review in the appropriate installation Counsel's office.

Subpart B—Acceptance of Gifts, Gratuities, or Entertainment

§ 1207.735-200 Scope of subpart.

This subpart establishes NASA policy with respect to the acceptance of gifts, gratuities, entertainment (including meals), favors, loans, or any other thing of monetary value by NASA employees.

§ 1207.735-201 Policy.

(a) It is NASA policy not to interfere in the private lives of NASA employees and their families. However, certain conduct involving acceptance of gifts, gratuities, entertainment (including meals), favors, loans, or any other thing of monetary value, which does not fall within any specific statutory prohibition, must

be regulated in view of the nature of the official duties of the employee and the special responsibilities that are assumed by a person who accepts Federal employment.

(b) Except as provided in paragraph (d) of this section, and in § 1207.735-101(e), the direct or indirect solicitation or acceptance by a NASA employee or his spouse or minor child of any gift, gratuity, entertainment (including meals), favors, loan, or any other thing of monetary value from any person, corporation, or group is forbidden if the employee has reason to believe that the person, corporation, or group:

(1) Has or is seeking to obtain contractual or other business or financial relationships with NASA; or

(2) Has interests which may be substantially affected by such employee's performance or nonperformance of his official duty; or

(3) Is in any way attempting to affect the employee's official action.

(c) There are certain exceptions to the foregoing general rule which are set forth in paragraph (d) of this section. The application of these exceptions will require the exercise of good judgment and common sense by NASA employees. In determining whether one or more of the exceptions apply, NASA employees shall be guided by the principle that situations having an appearance which might, whether justifiably or not, bring discredit to the Government, or to NASA shall be avoided. If an employee finds that his acceptance of a meal, or of refreshments or entertainment pursuant to one of the exceptions under paragraph (d) of this section occurs other than infrequently, he should carefully reexamine the provisions of this subpart and consult with the Agency Counselor or a Deputy Counselor in accordance with Subpart E of this part. Each NASA employee will so govern his conduct in the light of this subpart, as to have no difficulty in justifying his actions if required to do so.

(d) The following are exceptions to the general rule set forth in paragraph (b) of this section:

(1) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where the arrangements are consistent with the transaction of official business.

(2) Acceptance of modest entertainment, such as a meal or refreshments, in connection with attendance at widely attended gatherings sponsored by industrial, technical, or professional organizations; or in connection with attendance at public ceremonies or similar activities financed by nongovernmental sources where the NASA employee's participation on behalf of NASA is the result of an invitation addressed to him in his official capacity and is approved as a part of his official duties, and the entertainment accepted is related to, and in keeping with, his official participation.

(3) Acceptance of gifts, favors or entertainment, where there is an obvious

family or personal relationship between the employee, or between his spouse, children or parents, and the donor, and where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gift, favor or entertainment.

(4) Purchase of articles at advantageous rates where such rates are offered to Government employees as a class.

(5) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(6) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value.

(7) Acceptance of incidental transportation in kind from a private organization, provided it is furnished in connection with the performance of the employee's official duties and is of a type customarily provided by the private organization. (For further guidance concerning the acceptance of travel and related expenses, see § 1207.735-305.)

(e) A gift or gratuity the receipt of which is prohibited under this subpart will be returned to the donor. If return is not possible, the gift or gratuity will be turned over to a public or charitable institution and a report of such action, and the reasons why return was not feasible will be made to the employee's supervisor. When possible, the donor should also be informed of such action.

§ 1207.735-202 Statutory prohibitions.

The prohibitions set forth in paragraph (b) of § 1207.735-201 are to be construed as being in addition to and not in limitation of:

(a) The prohibitions of 18 U.S.C. 201, as amended, relating to the corrupt solicitation or receipt of, or arrangement to receive, anything of value in connection with an employee's performance of his official duty; and

(b) The prohibitions of 18 U.S.C. 203, as amended, relating to the unlawful solicitation or receipt of, or agreement to receive, compensation for services rendered by an employee in connection with matters affecting the Government.

Subpart C—Outside Employment and Other Activity

§ 1207.735-300 Scope of subpart.

This subpart prescribes NASA policy and procedures regarding outside employment or other outside activity of NASA employees.

§ 1207.735-301 Definition.

As used in this subpart, the term "outside employment or other outside activity" refers to any work, service, or other activity performed by an employee other than in the performance of his official duties. It includes such activities as writing and editing, publishing, teaching, lecturing, consulting services, self-employment, and other work or services, with or without compensation.

§ 1207.735-302 Policy.

(a) NASA employees are permitted to engage in outside employment or other outside activity that is compatible with the full and proper discharge of the duties and responsibilities of their Government employment. Guidelines for determining compatibility are set forth in § 1207.735-303.

(b) NASA employees are encouraged to participate as private citizens in the affairs of their communities provided that the limitations prescribed below, and otherwise by these regulations, are observed. Among these activities may be the following:

(1) Speaking, writing, editing, and teaching.

(2) Participation in the affairs of charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organizations, and the acceptance of an award for a meritorious public contribution or achievement from any such organization.

(3) Participation in the activities of national, State, and local political parties not proscribed by law. In this connection employees should be particularly aware of the restrictions imposed on their activities by the "Hatch Act" (5 U.S.C. 7324-7327).

§ 1207.735-303 Guidelines and limitations.

Outside employment or other outside activity is incompatible with the full and proper discharge of an employee's duties and responsibilities, and hence is prohibited, if:

(a) It would involve the violation of a Federal or State statute, a local ordinance, Executive order, or regulation to which the employee is subject.

(b) It would give rise to a real or apparent conflict of interests situation even though no violation of a specific statutory provision was involved.

(c) It would involve acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance might result in, or create the appearance of, a conflict of interests.

(d) It might bring discredit upon, or reasonably cause unfavorable criticism of, the Government or NASA or lead to relationships which might impair public confidence in the integrity of the Government or NASA.

(e) It would involve work with any contractor or subcontractor which is connected with any work being performed by that entity for NASA or would otherwise involve work for any person or organization which may be in a position to gain advantage in its dealings with the Government through the exercise of the employee's exercise of his official duties.

(f) It would identify NASA or its employee officially with any organization manufacturing, distributing, or advertising a product relating to work conducted by NASA, or would create the false impression that it is an official action of NASA, or represents an official point of view. In any permissible outside employment, care must be taken to

insure that names and titles of NASA employees are not used to give the impression that the activity or product is officially endorsed or approved by NASA or is part of NASA activities.

(g) It would involve use of the employee's time during his official working hours.

(h) It would involve use by the employee of official facilities, e.g., office space, office machines, or supplies, or the services of other employees during duty hours.

(i) It would be of such extent or nature as to interfere with the efficient performance of the employee's Government duties, or impair his mental or physical capacity to perform them in an acceptable manner.

(j) It would involve use of information obtained as a result of Government employment which is not freely available to the general public in that it either has not been made available to the general public or would not be made available on request. However, written authorization for the use of nonpublic information may be given when the head of the field or component installation or, at NASA Headquarters, the Associate Administrator for Organization and Management, as appropriate, determines that such use would be in the public interest.

§ 1200.735-304 Distinction between official and nonofficial activities.

In applying the provisions of this subpart, particularly with regard to writing, speaking, or editing activities, NASA employees must distinguish between official and nonofficial activities. In connection with writing, speaking or editing, an activity will normally be considered official if:

(a) It is the result of a request addressed to NASA to furnish a speaker, author, or editor or of an invitation addressed to an employee of NASA to perform these activities in his official capacity, rather than as a private individual; or

(b) The activity is performed in conjunction with attendance at a meeting approved under the authority of 5 U.S.C. 4110 (formerly the Government Employees Training Act).

The fact that an activity was prepared for outside of duty hours or was performed after normal duty hours is not determinative of whether it is official or nonofficial.

§ 1207.735-305 Compensation, honorariums, travel expenses.

(a) An employee may accept compensation or an honorarium for permissible outside employment or other outside activity which is nonofficial in character unless otherwise prohibited by this subpart.

(b) (1) Except as provided in subparagraph (2) of this paragraph (b), travel expenses will be borne by the Government when official employment activities of NASA employees are involved, including attendance at meetings of nongovernmental organizations (see NASA Policy Directive 9710.2). Conversely, when

nonofficial outside employment activities are involved, appropriated funds will not be utilized for travel or subsistence.

(2) Contributions and awards incident to training in non-Government facilities and travel, subsistence, and other expenses incident to attendance at meetings may be accepted by NASA employees, provided that such contributions, awards, and payments are made by nonprofit organizations pursuant to 5 U.S.C. 4111 (formerly the Government Employees Training Act), and that the employee has obtained specific written authorization to accept the contribution or award.

§ 1207.735-306 Special conditions applicable to teaching.

Teaching or lecturing will not be undertaken for the purpose of instructing, directly or indirectly, any person or class of persons with a view to their special preparation for a Civil Service or Foreign Service examination (see Executive Order 9367).

§ 1207.735-307 Special conditions applicable to writing and editing.

(a) Subject to the limitations set forth in § 1207.735-303, NASA employees may serve as editors, as editorial consultants, or on editorial boards, and may contribute articles to publications issued by nonprofit organizations or by profit organizations involved in trade or news press publishing.

(b) Publications associated with organizations in the nonprofit category are those such as the National Geographic Society.

(c) The profit category of publications includes textbooks, hand books, magazines, journals, and newspapers. Editing activities for profit organizations should be carefully appraised. Under no circumstances should the activity involve approval or disapproval of advertising.

(d) Writing and editing, with or without pay, which pertain to the private interests of employees regarding hobbies, sports, or cultural activities are permitted unless there are actual or apparent conflicts with their officially assigned duties.

§ 1207.735-308 Administrative approval.

The provisions of this section will be observed with respect to all outside employment or other outside activity. Each employee must be alert to identify and to avoid any situation that would involve him in prohibited activity. Aside from avoiding prohibited outside employment or other outside activity, each employee must also obtain administrative approval in accordance with Appendix A to this subpart before engaging in outside employment of the following types:

(a) Writing or editing except those activities set out in § 1207.735-307(d).

(b) Speaking engagements except where the subject matter is unrelated to the subject matter of the employee's official duties.

(c) Teaching and lecturing.

(d) Regular self-employment.

(e) Consulting services.

(f) Holding State or local public office.

(g) Outside employment or other outside activity involving a NASA contractor or subcontractor.

(h) Any other outside work concerning the propriety of which an employee is uncertain.

Prior administrative approval may be required for additional types of outside employment where, because of special considerations, such a requirement is considered desirable for the protection of employees or NASA.

§ 1207.735-309 Related statutory provisions.

Several criminal statutory provisions restrict certain types of outside activities on the part of employees, as follows:

(a) 18 U.S.C. 203 imposes criminal penalties upon an employee who, other than in the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission.

(b) (1) 19 U.S.C. 205 imposes criminal penalties upon an employee who other than in the proper discharge of his official duties—

(i) Acts as agent or attorney for prosecuting any claim against the United States or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

(ii) Acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest.

(2) Exceptions to the foregoing prohibitions are as follows:

(i) If not inconsistent with the faithful performance of his duties, an employee may act, without compensation, as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

(ii) An employee may act, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his

official responsibility, provided that the Government official responsible for appointment to his position approves.

(c) (1) Under 18 U.S.C. 209 an employee is prohibited from receiving any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the Government, from any source other than the Government of the United States except as may be contributed out of the treasury of any State, county or municipality, or except as may be paid under the terms of 5 U.S.C. 4101-4118 (formerly the Government Employees Training Act).

(2) Exceptions to the prohibitions of 18 U.S.C. 209 are also made for those employees continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. However, such financial interests may still violate 18 U.S.C. 208 unless waived. (See Subpart D, Appendix B, paragraph 4.)

APPENDIX A—PROCEDURES FOR PERMISSION TO ENGAGE IN OUTSIDE EMPLOYMENT OR OTHER OUTSIDE ACTIVITY (see § 1207.735-308)

1. *Form and content of request.* A request for administrative approval of outside employment or other outside activity shall be in writing and show:

a. Employee's name, occupational title, and Federal salary.

b. Nature of the activity: full description of specific duties or services to be performed.

c. Name and business of person or organization for which the work will be done. (In the case of self-employment in a professional capacity serving a large number of individuals, instead of listing each client, the type of services to be rendered and estimate of the total number of clients anticipated during the next 6 months will be indicated.)

d. Estimated total time that will be devoted to the activity. (If on a continuing basis, the estimated time per year; if not, the anticipated ending date.)

e. Whether service can be performed entirely outside of usual duty hours; if not, estimated number of hours of absence from work that will be required.

2. *Routing.* The request for approval will be submitted (in duplicate) to the appropriate Official-in-Charge of the Headquarters Office or to the head of the field or component installation or to the persons designated to act for them. Employees will be notified in writing of the actions taken on their requests. All approved requests (or copies of such requests) and two copies of the notification of the approval action will be maintained in the local Personnel Office as follows:

a. A special file on outside employment, separated by title of types of employment.

b. A copy in the personnel folder of the employee concerned.

3. *Keeping record up to date.* If there is a change in the nature or scope of the duties or services performed or the nature of his employer's business, the employee will submit a revised request for approval promptly. If the outside work is discontinued sooner than anticipated (not merely suspended temporarily), he will notify the officer who approved the request.

4. *Enforcement.* Failure to request administrative approval for outside employment or other outside activity for which approval is required is ground for disciplinary action.

5. *Confidentiality of requests.* All requests for approval will be treated as confidential and made available only to specifically authorized persons; in accordance with Civil Service Commission requirements, an appropriate record will be made in the official personnel folder of an employee for whom a decision is made that a proposed teaching activity is not in conflict with Executive Order 9367.

Subpart D—Financial Interests and Investments

§ 1207.735-400 Scope of subpart.

This subpart prescribes policies and procedures for the avoidance of conflicting financial interests in connection with an employee's Government position or in the discharge of his official responsibilities, and sets out the requirements for reporting financial interests and outside employment.

§ 1207.735-401 General.

(a) Employees are subject to two types of controls in connection with apparent or actual conflicting financial interests. One is a criminal statute, 18 U.S.C. 208, which by its terms prohibits an employee's participation in certain official activities where he has a conflicting personal financial interest. The other is a requirement under Executive Order 11222 and Civil Service Commission regulations that employees occupying certain Government positions must report all personal financial interests and outside employment by filing a statement of employment and financial interests. The statute and the statement of employment and financial interests have the common objective of deterring the occurrence of conflicting financial interest situations, one by sanctions and the other by disclosure, but where the statute prohibits and punishes, the statement of employment and financial interests is intended to serve as an aid to the employee and those who review his statement in the avoidance of the conflicting situation through advice and counseling.

(b) The statement of employment and financial interests (NASA Form 1270) required under this subpart is in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation, unless he obtains a waiver under procedures set out in this subpart.

(c) Notwithstanding the requirement under this subpart for filing a statement of employment and financial interests, and an annual supplement thereto, an employee shall avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of 18 U.S.C. 208(a) or of this part.

§ 1207.735-402 Statutory prohibitions against acts affecting a personal financial interest.

(a) The provisions of 18 U.S.C. 208 (a) prohibit any employee from partici-

pating personally and substantially in the course of his Government duties in any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in relation to which matter, to his knowledge, the following persons or organizations have a financial interest:

(1) The employee, or his spouse, minor child, or partners;

(2) A business or nonprofit organization in which the employee is serving as an officer, director, trustee, partner, or employee; or

(3) A person or business or nonprofit organization with whom or with which the employee is negotiating, or has any arrangement with, concerning prospective employment.

(b) The prohibitions in paragraph (a) of this section may be waived under certain circumstances which are set out in § 1207.735-403.

(c) Illustrative of the types of matters in which NASA employees commonly participate and which may fall within the prohibitions described in paragraph (a) of this section are the following:

(1) The negotiation, administration, or auditing of contracts or agreements;

(2) The selection or approval of contractors or known subcontractors under a NASA prime contract;

(3) The technical monitoring or direction of work under a contract;

(4) Participation on boards or committees of the type listed in § 1207.735-404(a) (3); or

(5) Project monitoring.

(d) Unless a waiver is granted pursuant to § 1207.735-403, no NASA employee or civilian or military personnel of other Government agencies regularly detailed to NASA will participate personally and substantially in the course of his Government duties in any specific matter of a type listed in paragraph (c) of this section, or in any other matter of a type referred to in paragraph (a) of this section if, to his knowledge, any of the persons or organizations identified in paragraph (a) of this section have a financial interest relating to that specific matter.

§ 1207.735-403 Waiver of statutory prohibition.

(a) The prohibition of 18 U.S.C. 208(a) may be waived in connection with a specific matter of the type which comes under the statute if the employee makes a full disclosure in writing of the nature of the matter involved and of the financial interest relating thereto and receives, in advance of his participation in such matter, a written determination that such financial interest is not so substantial as to affect the integrity of his services and, therefore, that the employee may participate personally and substantially in that matter. The procedures set forth in Appendix A of this subpart will be followed in connection with granting a waiver as described in this section.

(b) The prohibition of 18 U.S.C. 208(a) also may be waived by general regulation applicable to all NASA employees so as to permit an employee (including civilian and military personnel of other Government agencies regularly detailed to NASA) to participate personally and substantially in a specific matter, notwithstanding the existence of a financial interest relating to that matter, where it has been determined that such a financial interest is too remote or too inconsequential to affect the integrity of the employee's services in any matter in which he may act in his governmental capacity. Such a determination has been made by the Administrator with respect to the categories of financial interests set forth in Appendix B of this subpart.

§ 1207.735-404 Statement of employment and financial interests.

(a) The following criteria define the categories and types of employees who will file a statement of employment and financial interests, containing the kind of information required by the Civil Service Commission, on NASA Form 1270:

(1) Employees paid at a level of the Executive Schedule in Subchapter II of Chapter 53 of Title 5, United States Code, except the Administrator, who is subject to separate reporting requirements under section 401 of Executive Order 11222.

(2) Employees classified at the GS-13 level and above, under 5 U.S.C. 5332 or at comparable pay levels under other authority, unless otherwise exempted pursuant to paragraph (b) of this section, whose duties and responsibilities require the exercise of judgment in making a Government decision or in taking Government action in regard to:

(i) Contracting or procurement, including the evaluation or selection of contractors; the negotiation, approval, or award of contracts; the supervision of activities performed by contractors, including the administration, monitoring, audit, and inspection of contractors and contract activities; and the initiation or approval of requests to procure supplies, equipment, or services, other than those common items available from NASA or GSA inventories;

(ii) Administering or monitoring grants or subsidies, including grants to educational institutions and other non-Federal organizations;

(iii) Auditing financial transactions;

(iv) Using or disposing of excess or surplus property;

(v) Establishing or enforcing safety standards and procedures.

(3) All employees, regardless of grade, serving as members of the following Boards or Committees:

(i) Source Evaluation Boards or Committees;

(ii) Inventions and Contribution Boards;

(iii) Contract Adjustment Board;

(iv) Board of Contract Appeals;

(v) Architect-Engineer Selection Boards; and

(vi) Site Selection Boards.

(4) Employees classified at the GS-13 level and above under 5 U.S.C. 5332, or at comparable pay levels under other authority, and who are identified by the head of a field or component installation or, at Headquarters, by the Associate Administrator for Organization and Management, as holding positions requiring the incumbent thereof to exercise judgment in making Government decisions or taking actions where such decisions or actions may have an economic impact on the interest of any non-Federal enterprise.

(5) Employees classified below the GS-13 level under 5 U.S.C. 5332, or at a comparable pay level under other authority, and who are in positions which otherwise meet the criteria of § 1207.735-404(a) (2) or § 1207.735-404(a) (4), providing the Civil Service Commission has approved the determination that the incumbents of such positions should be required to file statements of employment and financial interests in order to protect the integrity of the Government and to avoid the employee's involvement in a possible conflict of interests situation.

(b) An employee described in subparagraph (2) of paragraph (a) may be exempted from the requirement for filing a statement of employment and financial interests when the head of the field or component installation involved or, at Headquarters, the Associate Administrator for Organization and Management, determines that the employee's duties are of such a nature, or are at such a level of responsibility and are subject to such a degree of supervision and review, that the possibility of his becoming involved in a conflict of interests is remote.

(c) Procedures for filing statements of employment and financial interests are contained in Appendix C of this subpart.

(d) The following procedures will be followed with regard to the maintenance of statements of employment and financial interests. Each head of a field or component installation, and, at Headquarters, the Associate Administrator for Organization and Management, will maintain, on a current basis, a master list of employees required to file statements under this subpart. It will be this official's responsibility to determine that the list includes all those employees falling within the criteria for reporting set forth in this subpart and that the requirement for filing statements is fully carried out on a timely basis. In the event of any question regarding the interpretation of these criteria, the official will consult the Agency Counselor of NASA directly.

(e) Any employee who considers that his position does not come within the criteria for reporting set forth in this subpart, and therefore that he should not be required to file a statement, may request a review, through the NASA grievance procedure, of the determination that his position does come within such criteria. The NASA grievance procedure is set forth in the Federal Personnel Manual, Chapter 771, and the NASA Supplement thereto.

(f) An employee who refuses to file a statement for reasons other than that his position does not come within the criteria for reporting set forth in this subpart, or who refuses to file after the determination that his position does come within such criteria has been reviewed, as provided in § 1207.353-404(e), and has been approved, will be subject to appropriate disciplinary action.

(g) Employee statements will be given the same degree of confidential handling as security files. Statements forwarded to the appropriate personnel office in accordance with this subpart will be in sealed envelopes. Statements will be retained in a special locked cabinet or safe to which only the designated employees will have access. The head of the local personnel office will designate within his office one or more key employees who are authorized to open and examine statements for completeness. When a form is not complete, it shall be returned for proper completion. When a form is complete, it shall be promptly forwarded to a Deputy Counselor (Legal) for review pursuant to Subpart E. Statements will be retained in a special locked cabinet or safe to which only the designated employees will have access. Transmission of statements for legal review will be in a sealed envelope bearing the inscription "To Be Opened Only By (bearing the name of the individual authorized to review such statements)". Within each NASA legal office, procedures for limiting access to statements and for their safekeeping, as rigorous as those set forth for personnel offices, will be maintained. There will be no discussion or disclosure of the details of statements of employment and financial interests except as necessary to carry out the provisions of this part. Information from a statement shall not be disclosed outside of NASA except as the Administrator or the Civil Service Commission shall determine for good cause shown.

(h) This subpart does not require an employee to include in a statement of employment and financial interests, or supplementary statement, any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic or political organization or a similar organization not conducted as a business enterprise. For the purpose of this subpart, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's financial interest statement.

(i) Information concerning financial interests which have been exempted from the prohibition of 18 U.S.C. 208(a), as set forth in Appendix B to this subpart, may be omitted from the statement of employment and financial interests, except that, notwithstanding the exemption set forth in paragraph 1a of Appendix B, the ownership of securities in any amount in a company doing business with NASA will be disclosed if the em-

ployee's duties and responsibilities require the exercise of judgment in making a Government decision or in taking Government action in relation to that company.

APPENDIX A—WAIVER PROCEDURES (See § 1207.735-403(a))

1. Employees appointed under authority of section 203(b)(2)(A) ("NASA Excepted Positions") or section 203(b)(10) ("Allen Scientists") of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(2)(A) and 2473(b)(10)); or under 10 U.S.C. 1581(a) ("P.L. 313 Scientists").

a. The employee will address a written request for a waiver to the Administrator. The request will describe the specific matter involved, the nature and extent of the employee's participation therein, and the exact nature and amount of the financial interest relating to the specific matter.

b. The employee, if stationed at NASA Headquarters, will forward his request to the Administrator via the Official-in-Charge of the Headquarters Office in which the employee is located. The official will transmit the request with his comments and recommendations on the proposed waiver to the Administrator.

c. The employee, if stationed at a NASA field or component installation, will forward his request to the Administrator via the Head of the installation, who will transmit the request, with his comments and recommendations on the proposed waiver, to the Administrator.

d. The determination required by the statute will be made only by the Administrator or Deputy Administrator in the case of employees holding appointments under the statutes cited in paragraph 1 of this appendix.

2. All other employees.—a. Headquarters.

(1) All other NASA employees (including civilian and military personnel of other Government agencies regularly detailed to NASA) who are stationed at NASA Headquarters will forward their requests for a waiver to the Official-in-Charge of the Headquarters Office in which the employee is located. The waiver request will contain the same information as required in paragraph 1a of this appendix. The official will transmit the request with his comments and recommendations on the proposed waiver to the Associate Administrator for Organization and Management.

(2) The Associate Administrator for Organization and Management is authorized to make the determination required by the Statute. This authority may not be redelegated.

b. Field and component installations. (1) All other NASA employees (including civilian and military personnel of other Government agencies regularly detailed to NASA) who are stationed at a field or component installation will forward their requests for a waiver to the head of the installation, via the head of the major organizational component in which the employee is located. The waiver request will contain the same information as required in paragraph 1a of this appendix. The head of the major organizational component will transmit the request to the head of the installation with his comments and recommendations on the proposed waiver.

(2) The heads of NASA field and component installations, and the deputy or associate heads of such installations, are authorized to make the determination required by the statute. This authority may not be redelegated. An information copy of each such determination or of the disapproval of the employee's request will be forwarded to the Associate Administrator for Organization and Management, NASA Headquarters.

APPENDIX B—CATEGORIES OF FINANCIAL INTERESTS EXEMPTED FROM THE PROHIBITION OF 18 U.S.C. 208(a) (see § 1207.735-403(b))

Pursuant to the authority contained in 18 U.S.C. 208(b)(2), it has been determined that the categories of financial interests hereinafter described are, to the extent indicated, exempted from the application of the prohibition of 18 U.S.C. 208(a), because they are too remote or too inconsequential to affect the integrity of a NASA employee's services in any matter in which he may act in his governmental capacity. Therefore, the provisions of 18 U.S.C. 208(a) do not preclude the participation by a NASA employee, including a special Government employee, in matters of a type covered by the prohibition of section 208(a) where the financial interest involved has been exempted hereunder.

1. The following exemptions apply to financial interests which are held directly by a NASA employee, including a special Government employee, or by his spouse or minor child, whether jointly or individually, or by a NASA employee and his partner or partners as joint assets of the partnership:

a. Ownership of shares of common or preferred stocks, including warrants to purchase such shares, and of corporate bonds or other corporate securities, if the current aggregate market value of the stocks and other securities so owned in any single corporation does not exceed \$5,000, and provided such stocks and securities are listed for trading on the New York or the American Stock Exchange. This exemption extends also to any financial interests that the corporation whose stocks or other securities are so owned may have in other business entities.

b. Ownership of bonds other than corporate bonds, regardless of the value of such interest. This exemption extends also to any financial interests that the organization whose bonds are so owned may have in other business entities.

c. Ownership of shares in a mutual fund or regulated investment company regardless of the value of such interest. This exemption extends also to any financial interests that the mutual fund or investment company may have in other business entities.

2. If a NASA employee, including a special Government employee, or his spouse or minor child has a present beneficial interest or a vested remainder interest under a trust, the ownership of stocks, bonds, or other corporate securities under the trust will be exempt to the same extent as provided in paragraph 1a above for the direct ownership of such securities. The ownership of bonds other than corporate bonds, or of shares in a mutual fund or regulated investment company, under the trust will be exempt to the same extent as provided under paragraph 1b and c above for the direct ownership of such bonds or shares.

3. If a NASA employee, including a special Government employee, is an officer, director, trustee, or employee of an educational institution, or if he is negotiating for, or has an arrangement concerning prospective employment with such an institution, a direct financial interest which the institution has in any matter will not itself be exempt, but any financial interests that the institution may have in the matter through its holdings of securities issued by business entities will be exempt, provided the NASA employee is not serving as a member of the investment committee of the institution or is not otherwise advising it on its investment portfolio.

4. If a NASA employee, including a special Government employee, has continued to participate in a bona fide pension, retirement, group life, health or accident insurance plan, or other employee welfare or benefit plan that is maintained by a business or nonprofit

organization of which he is a former employee, his financial interest in that organization will be exempt, except to the extent that the welfare or benefit plan is a profit sharing or stock bonus plan. This exemption extends also to any financial interests that the organization may have in other business activities.

APPENDIX C—PROCEDURES FOR FILING STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS (see § 1207.735-404)

1. *Time and place.* a. Each employee required to file a statement under Subpart D will obtain NASA Form 1270 from the local personnel office and after completing the form will submit it to the local personnel officer as follows:

(1) Ninety days after the effective date of this part if employed on or before the effective date; or

(2) Thirty days after entrance on duty but not earlier than 90 days after the effective date of this part; or

(3) Ten days after his position is specifically identified as one requiring the incumbent thereof to file a financial statement under § 1207.735-404(a)(4), or after the Civil Service Commission has approved the determination that he should file, under § 1207.735-404(a)(5).

(4) After selection and at least 5 days before service on the boards or committees listed in § 1207.735-404(a)(3).

2. Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions have occurred since the previous statement a negative report to that effect is required. Otherwise a supplementary statement will be filed on NASA Form 1270.

3. *Financial interests of employee's relatives.* For purposes of this reporting requirement, the financial interests of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee and must be reported. "Members of an employee's immediate household" means those blood relations who are residents of the employee's household.

4. *Information not known by employees.* If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf. The employee concerned should avoid gaining knowledge about such interests in order to prevent the possibility of invoking 18 U.S.C. 208.

Subpart E—Advisory Service and Enforcement

§ 1207.735-500 Scope of subpart.

This subpart (a) establishes an advisory service for employees for the purpose of furnishing interpretations and advising on questions arising under this part, and (b) prescribes the types of remedial and disciplinary actions which may be taken to enforce the requirements of Subparts A, B, C, D, and E of this part.

§ 1207.735-501 Use of advisory service.

When questions or problems arise concerning matters covered by this part NASA employees will seek the advice and consultative services of the counselors designated in § 1207.735-502.

§ 1207.735-502 Designation of counselors and statement of functions.

(a) The General Counsel is designated as the Agency Counselor. His functions consist of the following:

(1) Act as the principal point of contact with the Civil Service Commission on matters covered by this part; and

(2) Provide general guidance to Deputy Counselors for the purpose of achieving uniform interpretation of this part.

(b) Deputy Counselors:

(1) The following officials are designated as Deputy Counselors under this subpart:

(i) NASA Headquarters—

(a) The Director of Personnel, NASA;

(b) An Assistant General Counsel, as designated by the Agency Counselor; and

(c) The Headquarters Personnel Officer.

(ii) NASA field and component installations—

(a) The Chief Counsel; and

(b) The Personnel Officer.

(2) Functions of the Deputy Counselors;

(i) The Director of Personnel, NASA, will oversee the activities of the Deputy Counselors (Personnel) under the general guidance of the Agency Counselor.

(ii) Deputy Counselors (Legal) will be responsible for—

(a) Reviewing statements of employment and financial interests, filed pursuant to the provisions of Subpart D; and

(b) Advising the Deputy Counselors (Personnel) on questions regarding the interpretation and application of statutes, Executive Orders, Court Decisions, the decisions of the Comptroller General, and other legal matters arising under this part.

(iii) Deputy Counselors (Personnel) will be responsible for—

(a) Counseling employees on all other problems and questions arising under this part which are not specifically within the responsibility of the Deputy Counselors (Legal); and

(b) Consulting, as necessary, with the Deputy Counselors (Legal) on questions and problems arising under this part.

(iv) Deputy Counselors may carry out their responsibilities through designated subordinates. The Deputy Counselors, however, shall retain ultimate responsibility for the functions assigned to them under this § 1207.735-502.

§ 1207.735-503 Review, enforcement, reporting, and investigating.

(a) Each statement, and supplementary statement, of employment and financial interests submitted under Subpart D shall be reviewed by the appropriate Deputy Counselor (Legal). If that review discloses a conflict of interest or apparent conflict of interest the employee shall be given an opportunity to explain the conflict or apparent conflict, and every effort shall be made to resolve the matter. If the matter cannot be resolved at a lower level, it shall be reported to the Agency Counselor. If the Agency Counselor decides that remedial action is necessary, he shall take such

action immediately to end the conflict or apparent conflict of interest.

(b) NASA employees should consult with their Deputy Counselors with regard to any questions concerning this part. Resolution of problems disclosed by such consultations will be accomplished at the lowest possible supervisory level in the agency through counseling or by taking administrative action to eliminate real or apparent conflicts of interest. The services of the NASA Inspection Division will be requested by the Deputy Counselor, when necessary, to conduct investigations to ascertain all relevant facts.

(c) Any NASA employee receiving an allegation of a possible violation of the provisions of this part by any other NASA employee (including civilian and military personnel of other Government agencies regularly detailed to NASA) shall, unless it is based on mere gossip or rumor, promptly report it directly to the Director of Inspections or his local representative, as provided for in NASA Management Instruction 1960.1.

(d) A violation of the regulations contained in this part may be cause for appropriate disciplinary action. All disciplinary or remedial action taken hereunder will be in conformance with applicable laws, Executive Orders, Civil Service Commission regulations and NASA regulations. Appropriate disciplinary or remedial action includes, but is not limited to, divestiture by the employee of his conflicting interest, disqualification for particular assignments, reassignment, or disciplinary action.

(e) The employee concerned will have a reasonable opportunity during any investigation and at all levels of consideration of his problem to present in person and through documents his position on the matter.

Subpart F—Standards of Conduct for Special Government Employees

§ 1207.735-600 Scope of subpart.

This subpart:

(a) Provides guidance with respect to the application of the conflict of interests statutes to special Government employees (as defined in § 1207.735-601); it is of particular applicability to consultants and experts.

(b) Sets forth the standards of ethical conduct which, under Presidential order and regulations of the Civil Service Commission, special Government employees are expected to observe.

§ 1207.735-601 Definitions.

(a) *Special Government employee.* A special Government employee is defined, under title 18 United States Code, section 202, and for the purposes of this subpart, as an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, temporary duties, either on a full-time or intermittent basis, for not to exceed 130 days during any period of 365 consecutive days (see § 1207.735-602).

(b) *Particular matter.* The term "particular matter" is not defined in the statutes, but is used in context as follows:

"* * * any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter."

(c) *Personally and substantially.* The term "personally and substantially" is not defined in the statutes, but is used in context as follows: "* * * personally and substantially, * * * through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise * * *".

(d) *Official responsibility.* The term "official responsibility" is defined by statute to mean the "direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action." NASA consultants or experts will not normally exercise official responsibility in connection with any matters.

§ 1207.735-602 Applicability.

(a) This subpart is applicable to all NASA employees who are classified as special Government employees. It is of particular applicability to NASA consultants and experts, who normally fall within the definition of the term "special Government employee."

(b) To the extent that the conflict of interests statutes apply to a special Government employee, they apply to his activities on all days during the period of his NASA appointment, beginning with the date on which he takes an oath of office as a Government employee, whether he works on a full-time or intermittent basis. Similarly, the ethical standards prescribed in this subpart apply to the special Government employee during the full period of his appointment as a NASA employee, and not merely on the days on which he performs services as an employee.

(c) NASA employees, including consultants and experts, who are appointed to serve for more than 130 days during a period of 365 consecutive days are not subject to this subpart, even though they may in fact work 130 days or less, but are subject to Subparts A through E, prescribing standards of conduct for regular Government employees.

§ 1207.735-603 Application of conflict of interest statutes.

The so-called "conflict-of-interests" statutes (18 U.S. Code, sections 203, 205, 207, 208, and 209) are criminal statutes which provide for fines or imprisonment if they are violated. Their full text is set forth in Appendix A to this subpart. In summary, they apply to the special Government employee as follows:

(a) 18 U.S.C. 203 and 205 apply to the special Government employee in his capacity as a private individual while serving also as a Government employee. They provide that the special Government employee may not, except in the discharge of his Government duties:

(1) Represent anyone else before a court or any Government agency in relation to a "particular matter" § 1207-

735-601(b)) involving a specific party or parties, in which the United States is a party or has a direct and substantial interest, and in which he has at any time participated "personally and substantially" (§ 1207.601(c)) either as a special or regular Government employee.

(2) Represent anyone else before a court or any Government agency in relation to a "particular matter" (§ 1207.735-601(b)) involving a specific party or parties which is pending within NASA, if he has served as a NASA employee for more than 60 days during the preceding 365 days. The special Government employee is bound by this restraint whether or not he has acted "personally and substantially" (§ 1207.735-601(c)) in relation to the "particular matter."

There are four exceptions from the application of one or both of the foregoing prohibitions, which are specified in the full text of section 205 (Appendix A of this subpart).

(b) 18 U.S.C. 207 applies to the special Government employee in his capacity as a private individual, after he has terminated his service as a Government employee. It provides that the former employee may not:

(1) At any time after his Government employment has ended, represent anyone else before a court or any Government agency in relation to a "particular matter" (§ 1207.735-601(b)) involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated "personally and substantially" (§ 1207.735-601(c)), either as a special or regular Government employee.

(2) Within 1 year after his Government employment has ended, appear personally before a court or any Government agency in relation to a "particular matter" (§ 1207.735-601(b)) involving a specific party or parties, in which the United States is a party or has a direct and substantial interest, and which was under his "official responsibility" (§ 1207.735-601(d)) as a Government employee within a period of 1 year prior to the termination of such responsibility. The prohibition applies whether or not the special Government employee participated "personally and substantially" (§ 1207.735-601(c)) in the "particular matter" (§ 1207.735-601(b)) while he was employed.

(c) 18 U.S.C. 207(c) applies to the partner of a special Government employee. It provides that during the period of the special Government employee's appointment, his partner may not act as agent or attorney for anyone else in relation to a "particular matter" (§ 1207.735-601(b)) in which the United States is a party or has a direct and substantial interest and in which the employee is participating or has participated "personally and substantially" (§ 1207.735-601(c)) as a special Government employee, or which is under the employee's "official responsibility" (§ 1207.735-601(d)).

(d) (1) 18 U.S.C. 208 applies to the special Government employee when he is acting in his capacity as a Government employee. It provides that the spe-

cial Government employee may not, in his governmental capacity, participate "personally and substantially" (§ 1207.735-601(c)) in any "particular matter" (§ 1207.735-601(b)) in relation to which matter, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) The statute also provides for two types of exemptions to be granted from the foregoing prohibition, so as to permit a special Government employee to participate "personally and substantially" (§ 1207.735-601(c)) in a "particular matter" (§ 1207.735-601(b)), notwithstanding the existence of a conflicting financial interest which he holds directly or that is imputed to him. These exemptions are:

(i) In connection with specific matters, if the special Government employee's financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from him, an ad hoc exemption from the application of the statutory prohibition may be granted, in advance of his acting in relation to that matter, by the NASA official responsible for his appointment as a special Government employee.

(ii) A general exemption, applicable to all NASA employees including special Government employees, of certain financial interest which have been determined to be too remote or too inconsequential to affect the integrity of an employee's services in any matter in which he may be called upon to participate, may also be granted. The categories of financial interests which have been exempted by the Administrator under this general authority are set forth in Appendix B to this subpart.

(e) 18 U.S.C. 209, the fifth "conflict-of-interests" statute, does not apply to special Government employees.

§ 1200.735-604 Other statutes.

(a) There are many other criminal statutes which are especially aimed at regulating the conduct of Government employees, and which therefore apply to special Government employees. Two such statutes which are closely related to the conflict-of-interests statutes are:

(1) *Bribery.* 18 U.S.C. 201 prohibits a Government employee from soliciting, receiving or agreeing to receive, directly or indirectly, anything of value for himself or others in connection with the performance of his official duties, or in return for committing or aiding in the commission of a fraud on the United States.

(2) *Disclosure of private or proprietary information.* 18 U.S.C. 1905 prohibits a Government employee from disclosing, in any manner and to any extent not authorized by law, any information coming to him in the course of his employment or official duties which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to

the identity, confidential statistical data, amount or source of any income, profits, losses or expenditures of any person, business entity, or association.

(b) Regulations of the Civil Service Commission require that certain other statutes pertaining to the ethical and other conduct of special Government employees be brought to the attention of all such employees. These are listed in Appendix C to this subpart.

§ 1207.735-605 Standards of ethical conduct.

Under Presidential order and regulations of the Civil Service Commission, certain additional standards of ethical conduct have been prescribed for all Government employees. Among these the following are applicable to special Government employees:

(a) *Use of Government employment.* A special Government employee may not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) *Use of inside information.* A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part, or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. In this context, "inside information" means information obtained as a result of his Government employment which has not been made available to the general public or would not be made available on request. However, nonpublic information may be used upon a written determination made by the Administrator that such use would be in the public interest.

(c) *Avoidance of actions which may appear coercive.* A special Government employee should not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Acceptance of gifts, entertainment or favors.* (1) Except as provided in subparagraph (2) of this paragraph, a special Government employee should not solicit or receive from a person, organization or group having business with NASA, any gift, gratuity, entertainment (including meals), favors, loan, or other things of monetary value, for himself or for another person, particularly one with whom he has family, business, or financial ties. This rule does not apply if the special Government employee is unaware of such business.

(2) The following are exceptions to the general rule set forth in subparagraph (1) of this paragraph:

(i) Receipt of salary, bonuses, or other compensation or emoluments from his non-Government employer or employers.

(ii) Acceptance of food and refreshments of nominal value on infrequent

occasions in the ordinary course of a luncheon, dinner, or other meeting.

(iii) Acceptance of modest entertainment, such as a meal or refreshments, in connection with attendance at widely attended gatherings sponsored by industrial, technical, or professional organizations; or in connection with attendance at public ceremonies or similar activities financed by nongovernmental sources where the special Government employee's participation on behalf of NASA is the result of an invitation addressed to him in his official capacity and approved as a part of his official duties, and the entertainment accepted is related to, and in keeping with, his official participation.

(iv) Acceptance of gifts, favors or entertainment, where there is an obvious family or personal relationship between the employee, or between his spouse, children or parents, and the donor, and where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gift, favor, or entertainment.

(v) Acceptance of loans from banks or other financial institutions on customary terms, to finance proper and usual activities of employees, such as home mortgage loans.

(vi) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value.

(vii) Acceptance of incidental transportation in kind from a private organization, when it is furnished in connection with the performance of the special Government employee's official duties, and provided it is of a type customarily provided by the private organization.

(e) A special Government employee is not authorized to accept a gift, decoration, or other thing from a foreign government, unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342 (see NASA Management Instruction 1030.1A).

§ 1207.735-606 Statement of employment and financial interests.

(a) Under Presidential order and regulations of the Civil Service Commission, each special Government employee is required to submit a statement of his employment and financial interests at the time of his initial appointment, except to the extent that such requirement has been waived by the Administrator, as specified in paragraph (g) of this section.

(b) The purpose of the statement of employment and financial interests is to assist the employee, and those who review his statement, in avoiding situations where a conflicting financial interest might exist. The statement will be treated by NASA as private information of the employee, and will be held in confidence. It will be reviewed only by those NASA employees who have been designated by the Administrator to make such a review, and there will be no discussion or disclosure of the details of the information furnished except as necessary to carry out the provisions of this subpart. Information contained in the statement shall not be disclosed outside NASA ex-

cept as authorized by the Administrator or the Civil Service Commission for good cause shown.

(c) The submission of a statement of employment and financial interests is not intended to relieve the employee from complying with other applicable provisions of law, Executive order, or this subpart. In particular, the employee is not thereby permitted to participate in a matter where such participation is prohibited by 18 U.S.C. 208 (see § 1207.735-603(d)).

(d) The statement of employment and financial interests will be submitted at the time the special Government employee is initially appointed by NASA; a new statement will be submitted each time he is reappointed as a NASA special Government employee. The statement will be kept current throughout the period of the employee's service as a NASA special Government employee by the submission of supplementary statements on NASA Form 1271.

(e) The statement of employment and financial interests will be filed on NASA Form 1271 which describes the information to be furnished. The special Government employee is not required to submit any information relating to his connection with, or interest in, a professional society, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. In this connection, however, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises." Information relating to such institutions, where relevant, should therefore be included in a special Government employee's statement of employment and financial interests.

(f) Information concerning financial interests which have been exempted from the prohibition of 18 U.S.C. 208(a), as set forth in Appendix B to this subpart, may be omitted from the statement of employment and financial interest.

(g) The Administrator of NASA has determined that the following categories of special Government employees who are not consultants or experts as defined in Chapter 304 of the Federal Personnel Manual will not be required to file statements of employment and financial interests because their duties are of a nature and at such a level of responsibility that the submission of a statement by them is not necessary to protect the integrity of the Government:

(1) Temporary and summer employees below the grade of GS-13.

(2) Employees participating in a management intern or other training program.

§ 1207.735-607 Advisory service.

Special Government employees who desire assistance or advice on interpreting the provisions of this subpart, or on other matters relating to the subject matter covered herein, are invited to consult the Agency Counselor (the NASA General Counsel) at Washington, D.C., or a Deputy Counselor (Legal) at a NASA

field installation, or a Deputy Counselor (Personnel) (personnel officer at Headquarters or the field installation).

§ 1207.735-608 Review, enforcement, reporting, and investigation.

(a) Each statement of employment and financial interests submitted under this subpart shall be reviewed by the appropriate Deputy Counselor (Legal). If his review discloses a conflict of interests or apparent conflict of interests the employee shall be given an opportunity to explain the conflict or apparent conflict, and every effort shall be made to resolve the matter. If the matter cannot be resolved at a lower level, it shall be reported to the Agency Counselor. If the Agency Counselor decides that remedial action is necessary, he shall take such action immediately to end the conflict or apparent conflict of interests.

(b) Special Government employees should consult with a Deputy Counselor with regard to any questions concerning this subpart. Resolution of problems disclosed by such consultations will be accomplished at the lowest possible supervisory level in the agency through counseling or by taking administrative action to eliminate a real or apparent conflict of interests. The services of the NASA Inspections Division will be requested by the Deputy Counselor, when necessary, to conduct investigations to ascertain all relevant facts.

(c) A violation of the regulations contained in this subpart may be cause for appropriate disciplinary action: All disciplinary or remedial action taken hereunder will be in conformance with applicable laws, Executive orders, Civil Service Commission regulations and NASA regulations. Appropriate disciplinary or remedial action includes, but is not limited to, divestiture by the employee of his conflicting interest, disqualification for particular assignments, reassignment, or disciplinary action.

(d) The special Government employee concerned will have a reasonable opportunity during any investigation and at all levels of consideration of his problem to present in person and through documents his position on the matter.

APPENDIX A—CONFLICT OF INTERESTS STATUTES (see § 1207.735-603)

18 U.S.C. 203. Compensation to Members of Congress, officers, and others in matters affecting the Government. (a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress, Member of Congress Elect, Resident Commissioner, or Resident Commissioner Elect; or

(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia—in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any depart-

ment, agency, court-martial, officer, or any civil, military, or naval commission, or

(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Commissioner, officer, or employee—

Shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than 60 days during the immediately preceding period of 365 consecutive days.

18 U.S.C. 205. Activities of officers and employees in claims against and other matters affecting the Government. Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, otherwise than in the proper discharge of his official duties—

(1) Acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

(2) Acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

Shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both.

A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than 60 days during the immediately preceding period of 365 consecutive days.

Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or

without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States: *Provided*, That the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

Such certification shall be published in the *FEDERAL REGISTER*.

Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

18 U.S.C. 207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners. (a) Whoever, having been an officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

(b) Whoever, having been so employed, within 1 year after his employment has ceased, appears personally before any court or department or agency of the Government as agent or attorney for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the Government at any time within a period of 1 year prior to the termination of such responsibility—

Shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the *FEDERAL REGISTER*, that the national interest would be served by such action or appearance by the former officer or employee.

(c) Whoever, being a partner of an officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of

Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

Shall be fined not more than \$5,000, or imprisoned not more than 1 year, or both.

A partner of a present or former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, or of a present or former special Government employee shall as such subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section.

18 U.S.C. 208. Acts affecting a personal financial interest. (a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be fined not more than \$10,000, or imprisoned not more than 2 years, or both.

(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officers or employee, or (2) if, by general rule or regulation published in the FEDERAL REGISTER, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services.

APPENDIX B—CATEGORIES OF FINANCIAL INTERESTS EXEMPTED FROM THE PROHIBITION OF 18 U.S.C. 208(a) (see § 1207.735-603(d) (2) (ii))

Pursuant to the authority contained in 18 U.S.C. 208(b) (2), it has been determined that the categories of financial interests hereinafter described are, to the extent indicated, exempted from the application of the prohibition of U.S.C. 208(a), because they are too remote or too inconsequential to affect the integrity of a NASA employee's services in any matter in which he may act

in his governmental capacity. Therefore, the provisions of 18 U.S.C. 208(a) do not preclude the participation by a NASA employee, including a special Government employee, in matters of a type covered by the prohibition of section 208(a) where the financial interest involved has been exempted hereunder.

1. The following exemptions apply to financial interests which are held directly by a NASA employee, including a special Government employee, or by his spouse or minor child, whether jointly or individually, or by a NASA employee and his partner or partners as joint assets of the partnership:

a. Ownership of shares of common or preferred stocks, including warrants to purchase such shares, and of corporate bonds or other corporate securities, if the current aggregate market value of the stocks and other securities so owned in any single corporation does not exceed \$5,000, and provided such stocks and securities are listed for trading on the New York or the American Stock Exchange. This exemption extends also to any financial interests that the corporation whose stocks or other securities are so owned may have in other business entities.

b. Ownership of bonds, other than corporate bonds, regardless of the value of such interest. This exemption extends also to any financial interests that the organization whose bonds are so owned may have in other business entities.

c. Ownership of shares of a mutual fund or regulated investment company regardless of the value of such interest. This exemption extends also to any financial interests that the mutual fund or investment company may have in other business entities.

2. If a NASA employee, including a special Government employee, or his spouse or minor child has a present beneficial interest or a vested remainder interest under a trust, the ownership of stocks, bonds, or other corporate securities under the trust will be exempt to the same extent as provided in paragraph 1a above for the direct ownership of such securities. The ownership of bonds other than corporate bonds, or of shares in a mutual fund or regulated investment company, under the trust will be exempt to the same extent as provided under paragraph 1b and c above for the direct ownership of such bonds or shares.

3. If a NASA employee, including a special Government employee, is an officer, director, trustee, or employee of an educational institution, or if he is negotiating for, or has an arrangement concerning prospective employment with such an institution, a direct financial interest which the institution has in any matter will not itself be exempt, but any financial interests that the institution may have in the matter through its holdings of securities issued by business entities will be exempt, provided the NASA employee is not serving as a member of the investment committee of the institution or is not otherwise advising it on its investment portfolio.

4. If a NASA employee, including a special Government employee, has continued to participate in a bona fide pension, retirement, group life, health or accident insurance plan, or other employee welfare or benefit plan that is maintained by a business or nonprofit organization of which he is a former employee, his financial interest in that organization will be exempt, except to the extent that the welfare or benefit plan is a profit sharing or stock bonus plan. The exemption extends also to any financial interests that the organization may have in other business entities.

APPENDIX C—MISCELLANEOUS STATUTORY PROVISIONS (see § 1207.735-604)

1. House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

2. Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflict of interests, as appropriate to the employee concerned.

3. The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

4. The prohibitions against disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

5. The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

6. The prohibitions against (1) the disclosure of classified information (18 U.S.C. 793, 50 U.S.C. 783); and (2) the disclosure of private or proprietary information (18 U.S.C. 1905).

7. The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

8. The prohibition against the misuse of a Government motor vehicle or aircraft (31 U.S.C. 638a(c)).

9. The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

10. The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

11. The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

12. The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

13. The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

14. The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

15. The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

16. The prohibitions against proscribed political activities ("The Hatch Act"—5 U.S.C. 7324-7327; 18 U.S.C. 602, 603, 607, and 608).

17. The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

This Part 1207 was approved by the Civil Service Commission on September 19, 1967.

Effective date. This Part 1207 shall become effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-12465; Filed, Oct. 20, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 300—RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

Imported Wool Products; Effective Date Deferred

On June 21, 1967, the Commission amended the rules and regulations un-

der the Wool Products Labeling Act of 1939 by adding a new section thereto designated as § 300.36 [Rule 36] of Part 300, rules and regulations under the Wool Products Labeling Act of 1939. Such amendment was published in the FEDERAL REGISTER on June 24, 1967. The effective date was specified as 120 days after publication in the FEDERAL REGISTER.

The effective date of § 300.36 [Rule 36] of Part 300, rules and regulations under the Wool Products Labeling Act is hereby deferred pending further order of the Commission.

Issued: October 18, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-12461; Filed, Oct. 20, 1967;
8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 274—VOLUNTARY ALLOTMENTS FOR PAYMENT OF DUES TO EMPLOYEE ORGANIZATIONS

The Deputy Secretary of Defense approved the following revision to Part 274 on October 7, 1967:

- Sec.
274.1 Purpose.
274.2 Applicability.
274.3 Definitions.
274.4 Policies.
274.5 Procedure.

AUTHORITY: Sections 274.1 to 274.5 issued under sec. 301 of Title 5, United States Code.

§ 274.1 Purpose.

This part reissues Part 274 and provides guidance within the Department of Defense for making voluntary allotments for payment of employee organization dues, pursuant to Part 550, Subpart C (Allotments and Assignments from Federal Employees) of the Civil Service Regulations, Supplement 990-1 of the Federal Personnel Manual; Book 550, Subchapter S3-8 (Allotments for Payment of Dues to Employee Organizations), Supplement 990-2 of the Federal Personnel Manual; DoD Directive 1418.4, "Civilian Pay Allotments," December 13, 1963.¹

§ 274.2 Applicability.

(a) Except as provided in § 274.2(b), this part is applicable to all components of the Department of Defense (Military Departments, DoD Agencies, and the Office of the Secretary of Defense), hereinafter referred to as "DoD components".

(b) This part does not apply to those DoD components or parts thereof to

which, pursuant to § 270.2(b) (1) of this title, the provisions of Executive Order 10988 do not apply.

§ 274.3 Definitions.

For the purpose of this part the terms listed below are defined as follows:

(a) "Employee organization dues" and "dues" mean dues as defined in § 550.301 (i) of the Civil Service Regulations.

(b) "Eligible employee organization" means an employee organization which, pursuant to Part 270 of this chapter has been determined to be eligible for formal or exclusive recognition in a unit of any DoD component; provided that formal recognition at the national level under § 270.5(a) (5) of this chapter will not qualify an employee organization as an eligible employee organization except as may be permitted in § 274.5(f).

(c) "Eligible employee" means a member in good standing of an eligible employee organization, who is employed in the unit in which the employee organization has been determined to be eligible for formal or exclusive recognition, and whose net salary after other legal and required deductions is regularly sufficient to cover the amount of an authorized allotment for employee organization dues.

(d) "Unit" means unit as defined in § 270.3(e) of this chapter.

§ 274.4 Policies.

(a) Any eligible employee organization, upon compliance with the procedures prescribed in this part, will be accorded the right for its members who are eligible employees to make voluntary allotments from their pay for the payment of their dues to such organization.

(b) Any eligible employee, upon compliance with the procedures prescribed in this part, will have the right to make a voluntary allotment from his pay for the payment of his dues to not more than one eligible employee organization of which he is a member, and to revoke such allotment when he desires to do so.

(c) Dues will be withheld each pay period, the amount to be withheld being determined as follows:

(1) When the amount of dues is stated in terms of an annual amount (covering a period of 12 months) the figure will be divided by 26.

(2) When the amount of dues is stated in terms of a monthly amount the figure will be multiplied by 12 and the result divided by 26.

§ 274.5 Procedure.

(a) An eligible employee organization which desires to arrange for its members to make voluntary allotments for payment of dues will submit a written request to the head of the unit in which it has been determined to be eligible for formal or exclusive recognition.

(b) The head of a unit or the designated official, upon receipt of a written request from an eligible employee organization, will arrange to work out with the head of the organization a mutual arrangement, in writing, which will cover those elements of the procedures and arrangements deemed essential to

the smooth functioning of the program for voluntary allotments for payment of dues. Such arrangements will conform with the requirements of Part 550, Subpart C (Allotments and Assignments from Federal Employees) of the Civil Service Regulations, Supplement 990-1 of the Federal Personnel Manual; Book 550, Subchapter S3-8 (Allotments for Payment of Dues to Employee Organizations), Supplement 990-2 of the Federal Personnel Manual; DoD Directive 1418.4, "Civilian Pay Allotments," December 13, 1963¹ and this part and will, as a minimum, provide:

(1) That the employee organization is responsible for purchasing the standard allotment form prescribed by the Comptroller General; distributing it to its members; certifying as to the amount of its dues; delivering completed forms to the appropriate payroll offices; and educating its members on the program for allotments for payment of dues, its voluntary nature, and the uses and availability of the required form;

(2) A procedure under which the employee organization shall promptly notify the appropriate payroll office when a member of the organization is expelled or for any reason ceases to be a member in good standing.

(3) A procedure for appropriate notification to the organization by the payroll office of the revocation of an allotment by an eligible employee; and,

(4) The specific officer in the organization designated to receive from the payroll office, after each payroll period for which deductions are made pursuant to voluntary allotments, the remittance of dues withheld and a listing of names, amounts withheld, and the amount of the fee for providing the withholding service.

(c) It will be the responsibility of the employee organization to comply with the terms of the written arrangement, to assure that allotments on the part of its members are voluntary, and to inform its members fully of the conditions governing revocation of allotments.

(d) It will be the responsibility of the head of the unit, when a written agreement is executed with an eligible employee organization for voluntary allotments for payment of dues, to post on appropriate bulletin boards within the unit a notice apprising employees:

(1) That an arrangement has been made with the employee organization for voluntary allotments for payment of dues;

(2) That such allotments are to be entirely voluntary on the part of employees who are members of the organization and will take effect during the pay period beginning after the appropriate form, properly completed and signed, has been received in the payroll office;

(3) That an eligible employee may make an allotment for the payment of dues by completing the required form at any time;

¹ Filed as part of original. Single copies may be obtained from Publications Branch, OASD(A), Room 3B200, Pentagon 22301, Ext. 52167.

¹ Filed as part of original. Single copies may be obtained from Publications Branch, OASD(A), Room 3B200, Pentagon 22301, Ext. 52167.

(4) That forms to be used in making voluntary allotments for payment of dues are to be secured from the employee organization and returned to the payroll office through the employee organization; and,

(5) That an eligible employee may at any time revoke his allotment for payment of dues, to be effective in the first full pay period following March 1 or September 1, depending upon date of receipt of his revocation in the payroll office, and specifying the office or location within the unit where he can obtain forms and information concerning the revocation of an allotment.

(e) The head of the unit will maintain a supply of the form which has been provided for use in revoking an allotment and will make this form available to eligible employees upon request. However, a written request for revocation of an allotment which is otherwise in order and signed by the employee will be accepted and acted upon even though not submitted on the form.

(f) Nothing in this § 274.5 requiring arrangements at the local level will preclude the head or other appropriate official of a DoD component from entering into a written arrangement with the head of a national employee organization covering those elements and procedures of the voluntary dues allotment program which can appropriately be covered on a national basis. Any such arrangement will conform with the requirements of references Part 550, Subpart C (Allotments and Assignments from Federal Employees) of the Civil Service Regulations, Supplement 990-1 of the Federal Personnel Manual; Book 550, Subchapter S3-8 (Allotments for Payment of Dues to Employee Organizations), Supplement 990-2 of the Federal Personnel Manual; DoD Directive 1418.4, "Civilian Pay Allotments," December 13, 1963¹ and this part and will be supplemented, as necessary, by the written arrangements provided for in § 274.5(b).

MAURICE W. ROCHE,
Director, Correspondence and
Directive Division, OASD
(Administration).

[F.R. Doc. 67-12443; Filed, Oct. 20, 1967;
8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32451]

PART 423—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Miscellaneous Amendments

Order. At a session of the Interstate Commerce Commission, Division 2, held

¹ Filed as part of original. Single copies may be obtained from Publications Branch, OASD(A), Room 3B200, Pentagon 22301, Ext. 52167.

at its office in Washington, D.C., on the 27th day of September 1967.

On July 20, 1967, notice of proposed rule making regarding proposed amendments of the Uniform System of Accounts for Maritime Carriers, pertaining to the accounting treatment of extraordinary and prior period items in the determination of net income, was published in the FEDERAL REGISTER (32 F.R. 10666). After consideration of all such relevant matter as was submitted by interested persons, the amendments as so proposed are hereby adopted.

It is ordered, That the amendments to Part 423 as proposed are adopted without change.

It is further ordered, That these amendments are effective January 1, 1967.

And it is further ordered, That service of this order shall be made on all Maritime Carriers which are affected hereby and notice thereto shall be given the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

[Sec. 201, 54 Stat. 933, 944, as amended; 49 U.S.C. 904, 913]

By the Commission, Division 2.

[SEAL]

H. NEIL GARSON,
Secretary.

I. INSTRUCTION ADDED

After § 423.0-10, the following section is added:

§ 423.0-11 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includable in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments; from wars and similar calamities and catastrophes, which are not a recurrent hazard of the business and which are not usually covered by insurance; from change in application of accounting principles; and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income are to be entered directly in the income accounts provided for extraordinary and prior period items upon approval or direction of the Commission.

Adjustments constituting items of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process, including those arising

from disposal of a unit of property sold or retired in the regular course of business operations, shall not be considered extraordinary or prior period items regardless of size.

(b) In determining materiality, items of a similar nature shall be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item, shall exceed one percent of total water line operating revenues and ten percent of ordinary income for the year.

(c) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to transactions of prior years shall be included in the same accounts which would have been charged or credited if the item had been taken up or adjusted in the period to which it pertained. Ordinary delayed items excludes items of the character described in paragraph (a).

II. TEXTS OF BALANCE SHEET ACCOUNTS DELETED AND AMENDED

Item No. 1. Section 423.329 Reserve for revaluation of investments. The text of this account, a subdivision of account 315, Investments, is amended by revising paragraph (a) as follows:

§ 423.329 Reserve for revaluation of investments.

(a) This account shall be credited at the close of each accounting period with amounts necessary to reflect the decline in value of securities and other assets held as investments, where there appears to be a permanent impairment in their value, by contra charge to account 979, "Miscellaneous deductions from income," or account 990, "Extraordinary items," as appropriate.

Item No. 2. Section 423.330 Property and equipment. The text of this account is amended by revising paragraph (a) as follows:

§ 423.330 Property and equipment.

(a) This account shall include the cost of acquisition or construction, including additions and betterments, of property and equipment owned by the carrier.

Item No. 3. Section 423.332 Reserve for amortization and depreciation; vessels. The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.332 Reserve for depreciation; vessels.

(a) This account shall be credited with all depreciation on vessels charged to account 981, "Depreciation—Floating equipment—Vessels."

Item No. 4. Section 423.338 Reserve for amortization and depreciation; other floating equipment. The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.338 Reserve for depreciation; other floating equipment.

(a) This account shall be credited with all depreciation charged to account 984, "Depreciation—Other floating equipment".

Item No. 5. Section 423.343 Terminal property and equipment; § 423.349 Other shipping property and equipment. Paragraphs (a) and (b) of the text of each of these accounts, subdivisions of account 330, Property and equipment, are revised by deleting the following:

(a) * * *, and any appreciated book value * * *.

(b) * * *, and any appreciation of book value.

Item No. 6. Section 423.344 Reserve for amortization and depreciation; terminal property and equipment. The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.344 Reserve for depreciation; terminal property and equipment.

(a) This account shall be credited with all depreciation on terminal property and equipment which is charged to account 987, "Depreciation—Terminal property and equipment".

Item No. 7. Section 423.350 Reserve for amortization and depreciation; other shipping property and equipment. The title of this account, a subdivision of account 330, Property and equipment, is revised as follows:

§ 423.350 Reserve for depreciation; other shipping property and equipment.

Item No. 8. Section 423.354 Reserve for amortization and depreciation; non-shipping property and equipment. The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.354 Reserve for depreciation; non-shipping property and equipment.

(a) This account shall be credited with all depreciation on non-shipping property and equipment which is charged to account 986, "Depreciation—non-shipping property and equipment".

Item No. 9. Section 423.384 Debt discount and expense. Paragraph (b) of the text of this account, a subdivision of account 375, Deferred charges and prepaid expenses, is revised as follows:

§ 423.384 Debt discount and expense.

(b) When an issue of funded debt, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized discount and expense relating to such issue, such balance, together with any premium paid in retiring such issue, shall be charged to account 979, "Miscellaneous deductions from income," or to account 990, "Ex-

traordinary items," as may be appropriate, in accordance with the text of these accounts.

Item No. 10. Section 423.556 Premium on funded debt. Paragraph (b) of the text of this account, a subdivision of account 555, Deferred credits, is revised as follows:

§ 423.556 Premium on funded debt.

(b) When an issue of funded debt or any part thereof is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 690, "Miscellaneous other income," or to account 990, "Extraordinary items," as may be appropriate, in accordance with the text of these accounts.

Item No. 11. Section 423.570 Reserve for issuance. The text of this account, a subdivision of account 565, Operating reserves, is amended by revising the last sentence of paragraph (b) as follows:

§ 423.570 Reserve for insurance.

(b) * * * At the end of each accounting year, any balance in this account applicable to voyages terminated during the preceding accounting year, in those instances where the records indicate that all claims have been settled, should be transferred to the appropriate insurance expense account, consistent with § 423.0-11(c).

Item No. 12. Section 423.595 Appreciation surplus. The number, title and text of this account are deleted.

Item No. 13. Section 423.599 Earned surplus; unappropriated. The text of this account is amended by revising paragraph (a) as follows and adding new paragraphs (c) and (d) after paragraph (b):

§ 423.599 Earned surplus; unappropriated.

(a) All profits and losses shown in account 095, "Profit and loss account", at the end of the accounting year shall be recorded in this account.

(c) This account shall include losses on resale of reacquired capital stock and charges which reduce or write off discount on capital stock issued by the company but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired.

(d) This account shall include other adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

III. TEXTS OF INCOME ACCOUNTS DELETED AND AMENDED

Item No. 1. The system of accounts, following the text of account 599, "Earned surplus; unappropriated", is amended by adding the following caption directly below Income Accounts:

ORDINARY ITEMS

Item No. 2. Section 423.600 Operating revenue; terminated voyages. The text of this account is amended by revising the last sentence of paragraph (a) as follows:

§ 423.600 Operating revenue; terminated voyages.

(a) * * * Revenue items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items pursuant to § 423.0-11(c).

Item No. 3. Section 423.690 Miscellaneous other income. The text of this account is amended by adding the following items to the list of examples provided and a new paragraph below this tabulation as follows:

§ 423.690 Miscellaneous other income.

Profit from sale of securities.
Profit from sale of shipping and nonshipping property.
Profit from company bonds reacquired.

When the profit from sale of property and equipment, or securities, or from reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to Sec. 423.0-11, such profit shall be credited to account 990, "Extraordinary items".

Item No. 4. Section 423.700 Operating expenses; terminated voyages. The text of this account is amended by revising the last sentence of paragraph (a) as follows:

§ 423.700 Operating expenses; terminated voyages.

(a) * * * Expense items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items pursuant to § 423.0-11(c).

Item No. 5. Section 423.979 Miscellaneous deductions from income. The text of this account is amended by adding the following items to the list of examples provided and a new paragraph below this tabulation as follows:

§ 423.979 Miscellaneous deductions from income.

Loss on sale of shipping and nonshipping property and equipment.
Loss on sale of securities and charges to write down the ledger value of securities because of impairment in their value.
Loss on company bonds reacquired.

When the loss from sale of property and equipment, or securities, or from write down of securities because of impairment in value, or reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to § 423.0-11, such loss shall be charged to account 990, "Extraordinary items."

Item No. 6. Section 423.995 Expense of non-shipping operations. This account is redesignated § 423.985.

Item No. 7. Section 423.996 Depreciation; nonshipping property and equipment. The number, title and text of this account are revised as follows:

§ 423.986 Depreciation; nonshipping property and equipment.

The annual or other periodical accrual of depreciation of property and equipment used in ventures other than shipping and shipping auxiliary operations shall be charged to this account with a corresponding credit to account 354, "Reserve for depreciation—Nonshipping property and equipment."

Item No. 8. Section 423.999 Provision for Federal income taxes. The number, title and text of this account are revised as follows:

§ 423.989 Federal income taxes on ordinary income.

This account shall be charged with accrued provision for Federal income taxes applicable to ordinary income of the accounting year. See the text of account 599, "Earned surplus; unappropriated" and account 998, "Federal income taxes on extraordinary and prior period items," for recording other income tax consequences.

Details pertaining to the tax consequences of other unusual and significant items and also cases where the tax consequences are disproportionate to the related amounts included in the income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

Income taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs, or, if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item pursuant to § 423.0-11, it shall be included in account 994, "Prior period items."

Item No. 9. The system of accounts, following the text of account 989, "Federal income taxes on ordinary income," is amended by adding the following caption and account numbers, titles and texts:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

§ 423.990 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of § 423.0-11, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of shipping and nonshipping property and equipment.
Net gain or loss on sale of securities and charges to write down the ledger value of such securities because of impairment of value.
Net gain or loss on reacquisition of company bonds.
Change in application of accounting principles.

(b) This account shall be maintained to show the nature and gross amount of each debit and credit, together with the applicable year, vessel name and voyage number.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 998, "Federal income taxes on extraordinary and prior period items."

§ 423.994 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of § 423.0-11, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of Federal income taxes of prior years. Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) This account shall be maintained to show the nature and gross amount of each debit and credit, together with the applicable year, vessel name and voyage number.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 998 "Federal income taxes on extraordinary and prior period items."

§ 423.998 Federal income taxes on extraordinary and prior period items.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in accounts 990, "Extraordinary items" and 994, "Prior period items."

IV. TEXTS OF CLEARANCE ACCOUNTS DELETED AND AMENDED

Item No. 1. Section 423.090 Adjustments applicable to prior periods. The number, title and text of this account are deleted.

Item No. 2. Section 423.095 Profit and loss account. The text of this account is amended by changing the first and second sentences as follows: "At the end of the accounting year this account shall be credited or charged, as the case may be, with the balances in all ordinary, extraordinary and prior period revenue and expense accounts, except where otherwise specifically indicated. After all entries have been made, the account shall reflect the net income for the accounting year."

V. BALANCE SHEET STATEMENT REVISED

Item No. 1. The words "amortization and" are deleted from each of the following line items in § 423.0-20.

332 Less: Reserve for amortization and depreciation.

338 Less: Reserve for amortization and depreciation.

344 Less: Reserve for amortization and depreciation.

350 Less: Reserve for amortization and depreciation.

354 Less: Reserve for amortization and depreciation.

Item No. 2. The following line item is deleted from § 423.0-20:

595 Appreciation surplus.

VI. INCOME STATEMENT AMENDED

Item No. 1. The following is added below the Income Statement caption:

ORDINARY ITEMS

Item No. 2. After 695, "Income from non-shipping operations", all line items are deleted and the following are added:

985 Expense of nonshipping operations.
Gross profit (or loss) from nonshipping operations.

985 Overhead expense.

986 Depreciation—Nonshipping property and equipment.

Total expenses.

Net profit (or loss) from nonshipping operations.

Ordinary income (or loss) before Federal income taxes.

989 Federal income taxes on ordinary income.

Ordinary income.

EXTRAORDINARY AND PRIOR PERIOD ITEMS

990 Extraordinary items (net).

994 Prior period items (net).

998 Federal income taxes on extraordinary and prior period items.

Total extraordinary and prior period items.
Net income (or loss).

VII. MISCELLANEOUS AMENDMENTS

The list of instructions, accounts and financial statements is amended to the following extent:

(a) The following is added to the list of General Instructions:

423.0-11 Extraordinary and prior period items.

(b) The following account titles are changed as indicated:

"423.332 Reserve for amortization and depreciation; vessels" is changed to:

"423.332 Reserve for depreciation; vessels."

"423.338 Reserve for amortization and depreciation; other floating equipment" is changed to:

"423.338 Reserve for depreciation; other floating equipment."

"423.344 Reserve for amortization and depreciation; terminal property and equipment" is changed to: "423.344 Reserve for depreciation; terminal property and equipment."

"423.350 Reserve for amortization and depreciation; other shipping property and equipment" is changed to: "423.350 Reserve for depreciation; other shipping property and equipment."

"423.354 Reserve for amortization and depreciation; non-shipping property and equipment" is changed to: "423.354

Reserve for depreciation; non-shipping property and equipment."

(c) The following account number and title are deleted:

423.595 Appreciation surplus.

(d) Directly below Income Accounts, the caption Ordinary Items is added.

(e) The following account numbers and titles are changed as indicated:

"423.995 Expense of non-shipping operations" is redesignated 423.985.

"423.996 Depreciation; non-shipping property and equipment" is redesignated 423.986.

"423.999 Provision for Federal income taxes" is changed to:

"423.989 Federal income taxes on ordinary income."

(f) Below the line item 989, "Federal income taxes on ordinary income", the following caption and line items are added:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

423.990 Extraordinary items (net).

423.994 Prior period items (net).

423.998 Federal income taxes on extraordinary and prior period items.

(g) The following line item under Clearance Accounts is deleted:

423.090 Adjustments applicable to prior periods.

[F.R. Doc. 67-12468; Filed, Oct. 20, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations, big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Bombay Hook National Wildlife Refuge, Del., is permitted only on the Deer Hunting Area designated by signs as open to hunting. This open Deer Hunting Area, comprising 1,189 acres, is delineated on a map available at the refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer

subject to the following special condition:

A Federal permit is required and may be obtained by applying to the Refuge Manager in writing for an advance reservation on a Bureau form authorized for this purpose. An individual with an advance reservation will forfeit his permit if he is not present 1 hour prior to legal shooting hours on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot one-half hour before legal shooting time. The number of hunters admitted to the open area at one time will be restricted to 50 and hunting will terminate when 40 deer are harvested including archery season. Permits must be surrendered prior to departure from the refuge and deer taken must be checked out at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 12, 1967.

[F.R. Doc. 67-12472; Filed, Oct. 20, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Containers

Consideration is being given to the proposal, hereinafter set forth, by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is that § 915.305(a) (1) of the avocado container regulation (Avocado Order 5; 7 CFR 915.305, 32 F.R. 7171, 13180) be revised by adding a new subdivision specifying (1) that all avocados packed in containers with inside dimensions of $13\frac{1}{2} \times 16\frac{1}{2}$ and depth varying from $6\frac{1}{2}$ to 8 inches shall be placed in two layers only, (2) that avocados other than Booth 1, Fuchs, and Trapp varieties shall be packed to a net weight of 27 pounds in such containers with a lot tolerance of 5 percent, for containers not meeting the specified minimum net weight, and (3) that avocados of the Booth 1, Fuchs, and Trapp varieties shall be packed to a net weight of 26 pounds in such containers, with the aforesaid tolerance.

The proposed subdivision to said subparagraph (a) (1) of Avocado Order 5 reads as follows:

§ 915.305 Avocado Order 5.

(a) Order. (1) * * *

(x) With respect to the containers prescribed in subdivision (vi) of this subparagraph, all avocados packed in such containers shall be placed in two layers only and the net weight of the avocados in any such container shall be not less than 27 pounds, except that the net weight of Booth 1, Fuchs, and Trapp varieties packed in any such container shall be not less than 26 pounds: *Provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable weight requirement.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available

for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12474; Filed, Oct. 20, 1967; 8:48 a.m.]

[7 CFR Part 1040]

[Docket No. AO-225-A19]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedures governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southern Michigan marketing area, which was issued October 10, 1967 (32 F.R. 14227), is hereby extended to October 25, 1967.

Signed at Washington, D.C., on October 17, 1967.

JOHN C. BLUM,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-12460; Filed, Oct. 20, 1967; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-EA-68]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Patuxent River, Md., control zone.

As a result of the establishment of joint-use of the Patuxent River, Md., restricted area complex and the addi-

tional commissioning of a new low-frequency radio beacon, we require designation of additional controlled airspace at Patuxent River, Md.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Patuxent, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Patuxent River, Md., control zone and insert in lieu thereof the following:

PATUXENT RIVER, MD.

Within a 5-mile radius of the center, $38^{\circ}17'15''$ N., $76^{\circ}24'30''$ W., of NAS Patuxent River Airport, Patuxent River, Md.; within 2 miles each side of the Patuxent River VOR TAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR TAC; within 2 miles each side of the Patuxent River VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LP RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent River VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a $\frac{1}{2}$ -mile radius of the center, $38^{\circ}13'30''$ N., $76^{\circ}26'30''$ W., of Park Hall, Md., Airport; and within a $\frac{1}{2}$ -mile radius of the center, $38^{\circ}21'40''$ N., $76^{\circ}24'15''$ W., of Chesapeake Ranch Airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 4, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12450; Filed, Oct. 20, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-72]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Harrisburg, Pa., control zone and 700-foot floor transition area.

The decommissioning of the Olmsted VOR, TACAN and the Harrisburg LFR; cancellation of the instrument approach procedures based on these facilities; a change in the name of the Olmsted AFB to Olmsted State Airport; a refinement of the geographic coordinates of the airport and authorization of the ILS-Runway 13 instrument approach for Olmsted State Airport will require an alteration of the control zone and transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Harrisburg, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Harrisburg, Pa., control zone "40°11'39" N., 76°45'39" W. of Olmsted AFB", and substitute therefor, "40°11'35" N., 76°45'47" W. of Olmsted State Airport"; delete the words "Olmsted TACAN 118° radial" and all thereafter and substitute therefor, "centerline of Olmsted State Airport Runway 13 extended from the Olmsted State Airport 5-mile radius zone to 5 miles southeast of the end of the runway."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa., 700-foot floor transition area and insert in lieu thereof the following:

HARRISBURG, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Harrisburg-York State Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport, Middletown, Pa.; within 5 miles north and 8 miles south of the Olmsted State Airport ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 5, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12451; Filed, Oct. 20, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-86]

CONTROL ZONE AND TRANSITION AREA

Proposed Revocation, Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 so as to revoke the Akron, Ohio, control zone and designate control zones for Akron-Canton and Akron Municipal Airports and alter the Akron, Ohio, 700-foot floor transition area.

Both airports meet the requirements for separate control zones and the new Runway 23 VOR/DME instrument procedure premises a justification to revoke the single and establish separate control zones for the airports. A slight alteration will also be necessary for the transition area to give additional airspace protection for aircraft executing the new arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Akron, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by revoking the Akron, Ohio, control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating an Akron, Ohio (Akron-Canton Airport), control zone described as follows:

AKRON, OHIO (AKRON-CANTON AIRPORT)

Within a 5-mile radius of the center, 40°55'05" N., 81°26'30" W., of Akron-Canton Airport, Akron, Ohio, and within 2 miles each side of the Akron VORTAC 223° radial extending from the 5-mile radius zone to 12.5 miles southwest of the VORTAC, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Akron, Ohio (Akron Municipal Airport) control zone.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating an Akron, Ohio (Akron Municipal Airport), control zone described as follows:

AKRON, OHIO (AKRON MUNICIPAL AIRPORT)

Within a 5-mile radius of the center 41°02'15" N., 81°28'05" W., of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Akron, Ohio 700-foot floor transition area by adding after the phrase "12 miles south of the OM;" the following: "within 2 miles each side of the Akron VORTAC 223° radial extending from the Akron-Canton Airport 7-mile radius area to 5 miles southwest of the VORTAC;"

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 6, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12452; Filed, Oct. 20, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-66]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part

71 of the Federal Aviation Regulations so as to alter the 700-foot floor Cincinnati, Ohio, transition area.

A new ADF instrument procedure has been authorized for Runway 9-R at Greater Cincinnati Airport, Covington, Ky., which will require airspace protection for aircraft executing the arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cincinnati, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Cincinnati, Ohio, 700-foot floor transition area the phrase "14 miles north of the Runway 18 OM" and substitute therefor, "14 miles north of the Runway 18 OM; within 2 miles each side of a line bearing 270° from the Burlington, Ky. RBN extending from the 11.5-mile radius area to 8 miles west of the RBN and within 2 miles each side of the Cincinnati VORTAC 290° radial extending from the 11.5-mile radius area to 21 miles west of the VORTAC."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Jamaica, N.Y., on October 4, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12453; Filed, Oct. 20, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-66]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations

which would alter controlled airspace in the Gunnison, Colo., terminal area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A public VOR approach procedure is being developed by the Federal Aviation Administration for Gunnison, Colo. The proposed 1,200-foot floor transition area will provide controlled airspace protection for aircraft executing approach, departure, and holding procedures.

Therefore, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2195) the Gunnison, Colo., transition area is amended to read as follows:

GUNNISON, COLO.

That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 6 miles southeast of the Gunnison VORTAC 051° and 207° radials extending from 13 miles northeast to 20 miles southwest of the VORTAC, and within 10 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 9 miles northeast to 19 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 12, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-12454; Filed, Oct. 20, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part

71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Wooster Municipal Airport, Wooster, Ohio.

A new ADF instrument procedure has been authorized for Wooster Municipal Airport which requires airspace protection for aircraft executing the instrument procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wooster, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Wooster, Ohio, transition area described as follows:

WOOSTER, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°50'03" N., 81°54'36" W., of Wooster Municipal Airport, Wooster, Ohio; within 2 miles each side of the Wooster, Ohio, RBN (40°48'50" N., 81°54'20" W.), 173° bearing extending from the 5-mile radius area to 8 miles south of the RBN and within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius area to 6 miles south of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 3, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12455; Filed, Oct. 20, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-69]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71

of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Youngstown Executive Airport, Youngstown, Ohio.

A new VOR/DME instrument procedure has been authorized for the airport requiring airspace protection for aircraft executing the arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Youngstown, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Youngstown, Ohio (Youngstown Executive Airport), described as follows:

YOUNGSTOWN, OHIO (YOUNGSTOWN EXECUTIVE AIRPORT)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°03'34" N., 80°49'48" W., of Youngstown Executive Airport, Youngstown, Ohio; within 2 miles each side of the centerline of Runway 29 extended from the 5-mile radius area to 5 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 11 extended from the 5-mile radius area to 6 miles east of the end of the runway and within 2 miles each side of the 203° radial of the Youngstown, Ohio, VOR extending from the 5-mile radius area to 11 miles southwest of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 4, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12456; Filed, Oct. 20, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Skypark Airport, Red Hook, N.Y.

An authorized instrument procedure for the airport will require airspace protection for aircraft executing the arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Red Hook, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Red Hook, N.Y., transition area described as follows:

RED HOOK, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°59'15" N., 73°50'15" W., of the Skypark Airport, within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the 358° radial of the Kingston, N.Y., VOR extending from the 5-mile radius area to the VOR, excluding the portion within the Poughkeepsie, N.Y. transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y. on October 4, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12457; Filed, Oct. 20, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-73]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Gloucester Airport, Gloucester, Va.

A new instrument procedure has been authorized for Gloucester Airport which requires airspace protection for aircraft executing arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Gloucester, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area described as follows:

GLOUCESTER, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 5, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12458; Filed Oct. 20, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-401]

BUD S. PETERSON and WALLACE R. OSBORNE

Notice of Loan Application

OCTOBER 19, 1967.

Bud S. Peterson and Wallace R. Osborne, Post Office Box 204, Chinook, Wash. 98614, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 41.9-foot registered length wood vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,

Bureau of Commercial Fisheries.

[F.R. Doc. 67-12517; Filed, Oct. 20, 1967;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE IN PUERTO RICO

Notice of Hearing on Fair Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Santurce, P.R., in the Conference Room of the

Puerto Rico Farm Bureau, Condominio San Martin, Parque and Ponce de Leon Avenue, Stop 23, on November 9, 1967, beginning at 9:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c) (2) of the act, fair and reasonable prices for the 1967-68 crop of Puerto Rican sugarcane.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer testimony on changes in provisions which they believe are of special interest to their respective economic and functional relationship.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

T. O. Murphy, A. A. Greenwood, D. E. McGarry, C. F. Denny, and Carlos G. Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on October 16, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-12459; Filed, Oct. 20, 1967;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BOYCE THOMPSON INSTITUTE FOR PLANT RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regu-

lations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00091-60-28600. Applicant: Boyce Thompson Institute for Plant Research, 1086 North Broadway, Yonkers, N.Y. 10701. Article: Controlled environment plant growth cabinets (4). Manufacturer: Controlled Environments Ltd., Winnipeg, Canada. Intended use of article: Applicant states:

Air pollutants can have serious effects on vegetation and on animals consuming polluted vegetation. Since plant response varies with environmental conditions, studies designed to determine the pollutant concentration at which the injury occurs must take climatic conditions into account. The controlled environmental chambers we are purchasing are specially designed so that plants may be exposed to air pollutants under controlled conditions of light, temperature, humidity, and air flow.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Applicant requires a test chamber into which air pollutants can be introduced at known constant rates. One of the pollutants involved in the experiments to be conducted in the chamber is hydrogen fluoride which is very reactive to most materials, and therefore, the chamber must be coated with a material which does not react with hydrogen fluoride. In addition, the air coming into the chamber must be purified without recirculation in order to avoid removal of the known quantity of pollutant present in the chamber. Applicant solicited bids from domestic manufacturers. The three models offered in response to the bids are described in the reply to Question 10 of the application. Each of these domestic models was deficient in either the capability to provide pure air without circulation and/or the specification concerning the material with which the chamber is to be coated. For these reasons, we find that none of the domestic instruments cited by the applicant are of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which

is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

[F.R. Doc. 67-12440; Filed, Oct. 20, 1967;
8:45 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00092-65-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Reichert Zetophan F Interference Microscope. Manufacturer: C. Reichert Optical Works AG, Austria. Intended use of article: Interference contrast work on hard superconductive surfaces. Instrument will also be used as a polarization interferometer for the quantitative investigation of surface irregularities. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The purposes for which the applicant intends to use the article require the maximum resolution obtainable in an interference microscope. The foreign article provides a resolution of 0.2 micron. The Department of Commerce knows of no comparable domestic instrument which has a resolving capability of 0.2 micron.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

[F.R. Doc. 67-12441; Filed, Oct. 20, 1967;
8:45 a.m.]

OHIO STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00122-85-91000. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. Article: Stereoplotter, Model B-3 Avio-graph. Manufacturer: Wild Heerbrugg Instruments, Inc., Switzerland. Intended use of article: Applicant states:

* * * The instrument embodies the principle of optical-mechanical system geared to medium and small scale mapping from wide and super wide angle photographs * * *. The B-3 Stereoplotter is to be used in the instruction of the optical mechanical principle in stereophotogrammetry and the instruction and research in mapping and revision of topographic maps at medium scales, compilation of small-scale maps from aerial photographs, investigation based on aerial wide and super wide angle images for scientific and engineering purposes.

Application received by Commissioner of Customs: September 12, 1967.

Docket No. 68-00129-01-77030. Applicant: University of California, Santa Barbara, California 93106. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM-C-60H and Cooling Water Conditioner, Model JNM-CW-1. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in undergraduate and graduate teaching to iden-

tify compounds and for the study of rate processes by nuclear magnetic resonance methods. Inorganic compounds with nuclei other than protons and fluorine will be measured. Materials that have limited solubilities or high molecular weights will be studied. This includes the extension of research in progress on the structure of natural products and the binding of substrates to enzymes. Research will be conducted on the rates of conformational equilibria in organic molecules at very low and very high temperatures as well as research conducted to "freeze out" conformations at low temperatures. Application received by Commissioner of Customs: September 14, 1967.

Docket No. 68-00131-00-46040. Applicant: Yale University, Box 1501A Yale Station Post Office, New Haven, Conn. 06520. Article: Electron microscope accessory, shutter. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states:

Accurate preset exposure of photoplates in the Siemens Elmiskop.

Application received by Commissioner of Customs: September 15, 1967.

Docket No. 68-00134-75-77095. Applicant: University of South Carolina, Purchasing Office, Columbia, S.C. 29208. Article: Electron-Electron Coincidence Spectrometer. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used to provide the major facility for dissertation research in low energy spectroscopy for the graduate program. Efforts in this field are in conversion electron-gamma directional correlation. Application received by Commissioner of Customs: September 18, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

[F.R. Doc. 67-12442; Filed, Oct. 20, 1967;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0632) has been filed by FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide endosulfan in or on raw agricultural commodities, as follows: Alfalfa (fresh) at 0.3 part per million; alfalfa (hay) at 1 part per million; corn grain at 0.2

part per million; and meat, fat, and meat byproducts of cattle at 1 part per million.

The analytical method proposed in the petition for determining residues of endosulfan is a microcoulometric gas chromatographic technique.

Dated: October 12, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-12475; Filed, Oct. 20, 1967;
8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LIST OF HUD REGIONAL OFFICES AND JURISDICTIONAL AREAS MODIFIED FOR URBAN PLANNING ASSIST- ANCE PROGRAM

Correction

In F.R. Doc. 67-12180, appearing at page 14287 of the issue for Saturday, October 14, 1967, the following changes should be made:

1. The fourth column of the table on page 14288 should be numbered "(4)" instead of "(3)".
2. In the fourth column of the table, the word "Regulation", appearing in six places, is corrected to read "Reg".

CIVIL AERONAUTICS BOARD

[Docket No. 16080; Order E-25846]

AIR TRANSPORT ASSOCIATION OF AMERICA

Filing of Agreement Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of October 1967.

Agreement amendments filed by the Air Transport Association of America on behalf of several air carriers relative to incentive discounts for containerized shipments and related provisions.

By amendments filed August 31, 1967, by the Air Transport Association of America on behalf of certain air carriers,¹ it is proposed to extend these carriers' current containerization agreements² from the present expiry date of November 7, 1967, to February 7, 1968. In addition, the carriers party to Agreement CAB No. 19126 (Type B/C/D containers) propose to enlarge the width-dimension of each container from 57

inches to 58 inches to achieve uniformity with the standards set by the International Air Transport Association (IATA).³

The domestic airlines held preliminary discussions on June 27-28, 1967, encompassing a review or their containerization program, and final discussions were held on September 12-13, 1967. Appropriate notice and minutes have been furnished to shippers and filed with the Board as previously required.⁴

It was the carriers' belief at their June meeting that a complete review of the program, including a decision as to whether to extend the initial 1-year experiment, could not be concluded prior to the November 7 expiry date, and that an interim 3-month extension was necessary. At their September meeting, additional facets of the program were reviewed and resolved, and further amendments, including the possible extension of the program for another year, are presently being circulated among the carriers for signature.

As indicated by the summary of traffic data covering the period November 1966-April 1967, accompanying the minutes of the carriers' June meeting, containerization of air freight has grown from approximately 400-plus to over 1,600 container movements per month; on a revenue ton-mile basis, the Board estimates the growth to be from approximately 0.88 percent to approximately 2.50 percent of the system freight revenue ton-miles of the reporting carriers. Preliminary analysis of the May and June 1967 container traffic reports indicates approximately 2,065 and 3,090 container movements, respectively, for these months. It would appear that the containerization program has met with some degree of acceptance by the shipping public, and that an interim 3-month extension of the initial agreement is warranted.

As an adjunct to the width-dimension revision, wherein it is proposed to permit 58 inches instead of 57 inches as the maximum, the carriers state they desire uniformity with IATA standards. While such compatibility may be a desirable objective, the Board notes that the resulting exterior cubic capacity will be increased proportionally for each of the Type B/C/D container sizes, that the relative minimum weights which the shipper must then meet to obtain the incentive discounts⁵ will similarly be slightly increased, and that the tare weight allowances (weights of the containers themselves) will also be increased.

No complaints opposing these amendments to the carriers' containerization agreements have been received by the Board.

¹ Order E-25527, dated Aug. 15, 1967.

⁴ Order E-23973, dated July 19, 1966.

⁵ For the Type B/C/D containers, the carriers grant a unitization discount of \$0.75, \$0.55, and \$0.35 per 100 pounds, respectively.

Upon consideration of all relevant matters, the Board does not find either amendment to be adverse to the public interest or in violation of the Act and will approve the agreement amendments.⁶

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

Agreements CAB Nos. 19125-A1 and 19126-A1 are approved, provided that the parties thereto file the provisions thereof in tariffs marked to expire not later than February 7, 1968.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-12470; Filed, Oct. 20, 1967;
8:48 a.m.]

⁶The presently effective tariffs expire on Nov. 7, 1967, the expiry date of the current agreements. We will permit the carriers to file tariffs to implement the new agreements for effectiveness Nov. 8, 1967, and thus maintain continuity in their containerization program.

[Docket No. 19063]

LUFTHANSA GERMAN AIRLINES

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 19, is postponed to October 24, 1967, 10 a.m., e.d.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., October 17, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-12471; Filed, Oct. 20, 1967;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-173 etc.]

SAMEDAN OIL CORP. ET AL.

Order Permitting Rate Filings, Provid- ing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 13, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

¹Does not conciliate for hearing or dispose of the several matters herein.

¹ Airlift International, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; The Flying Tiger Line Inc.; Northeast Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.

²Party to Type B/C/D Container agreement only.

³ Order E-23973, dated July 19, 1966.

NOTICES

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-173...	Samedan Oil Corp., Post Office Box 909, Ardmore, Okla. 73401.	12	2	Lone Star Gas Co. (Stage-Stand Field, Stephens County, Okla.) (Oklahoma "Other" Area).	\$71	9-18-67	*10-19-67	*10-20-67	16.0	** 16.015	RI63-400.
RI68-174...	Samedan Oil Corp., et al.	14	3	Natural Gas Pipeline Co. of America (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	51	9-18-67	*10-19-67	*10-20-67	* 15.0	*** 15.015	
	do	23	2	Panhandle Eastern Pipe Line Co. (North Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	68	9-18-67	*10-19-67	*10-20-67	* 15.0	*** 15.015	
RI68-175...	Samedan Oil Corp. (Operator) et al.	17	10	Michigan-Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area and Woodward County, Okla.) (Panhandle Area).	154 150	9-18-67	*10-19-67	*10-20-67	* 17.0 * 15.0	*** 17.015 *** 15.015	
	do	18	1	Natural Gas Pipeline Co. of America (Northeast Quinlan Area, Woodward County, Okla.) (Panhandle Area).	155	9-18-67	*10-19-67	*10-20-67	* 17.0	*** 17.015	
	do	19	1	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Panhandle Area).	39	9-18-67	*10-19-67	*10-20-67	* 17.0	*** 17.015	
	do	20	1	El Paso Natural Gas Co. (Clear Lake Field, Beaver County, Okla.) (Panhandle Area).	35	9-18-67	*10-19-67	*10-20-67	17.0	** 17.015	
	do	21	5	Panhandle Eastern Pipe Line Co. (Greensburg Field, Woods County, Okla.) (Oklahoma "Other" Area).	207	9-18-67	*10-19-67	*10-20-67	* 15.0	*** 15.015	
	do	22	3	Lone Star Gas Co. (Scholcum Alocum Field, Carter County, Okla.) (Oklahoma "Other" Area).	2	9-18-67	*10-19-67	*10-20-67	16.0	** 16.01	RI63-407.
RI68-170...	Harper Oil Co. (Operator) et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	3	3	Northern Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	202	9-21-67	*10-22-67	*10-23-67	** 18.785	*** 18.795	RI67-180.
	do	29	3	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	13	9-22-67	*10-23-67	*10-24-67	** 20.825	*** 20.840	
RI68-177...	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al., Post Office Box 747, Dallas, Tex. 75221.	68	6	Lone Star Gas Co. (Knox Field, Stephens and Grady Counties, Okla.) (Carter-Knox Area).	8	9-22-67	*10-23-67	*10-24-67	17.9	** 17.915	RI63-443.

* The stated effective date is the first day after expiration of the statutory notice.

** The suspension period is limited to 1 day.

*** Tax reimbursement increase.

**** Pressure base is 14.65 p.s.i.a.

***** Subject to a downward B.t.u. adjustment.

***** Subject to upward and downward B.t.u. adjustment.

***** Applicable to production from the Dauphin-Reese Unit, Swan Unit and State-133 Unit (Oklahoma Panhandle Area).

* Applicable to production from the Hanley Unit (Oklahoma "Other" Area).

** Rate subject to refund in Docket No. RI67-189 (Includes base rate of 17.0 cents) plus 1.785 cents upward B.t.u. adjustment (1,105 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.

*** Includes base rate of 17.0 cents plus upward B.t.u. adjustment (1,225 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.

Samedan Oil Corp., Samedan Oil Corp., et al., and Samedan Oil Corp. (Operator) et al. (all referred to herein as Samedan), request waiver of the statutory notice and waiver of any suspension period so that its proposed increases may become effective as of July 1, 1967, the effective date of the increase in Oklahoma Excise Tax. Harper Oil Co. (Operator) et al., request an effective date of October 1, 1967, for their proposed rate increases, and Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (Operator) et al., request a retroactive effective date of July 1, 1967, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned rate filings and such requests are denied. With respect to Samedan's request for waiver of any suspension period, we conclude that Samedan's rate filings should be suspended for 1 day from October 19, 1967, the date of expiration of the statutory notice.

Supplement No. 3 to Samedan's FPC Gas Rate Schedule No. 14 contains a rate increase for tax reimbursement only

from a conditioned initial rate of 15 cents to 15.015 cents per Mcf for a sale of gas in the Oklahoma "Other" Area. The subject sale is presently being made under a conditioned temporary certificate issued October 9, 1962, in Docket No. CI62-1503, which provides for an initial rate not to exceed the 15 cents per Mcf at 14.65 p.s.i.a. The temporary certificate also contained a condition (2) provision which states the conditioned rate shall remain in effect until changed by Commission order in the related certificate proceeding. Consistent with Commission action involving sales being made pursuant to temporary certificates containing a condition (2) provision where such sales commenced more than 3 years from date of initial delivery and request for a rate increase, we believe that it would be in the public interest that condition (2) in Samedan's temporary certificate in Docket No. CI62-1503 be waived to permit Samedan's proposed notice of change in rate contained in Supplement No. 3 to its FPC Gas Rate Schedule No. 14 to be filed.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's

statement of general policy No. 61-1, as amended (18 CFR 2.56).¹⁴

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving condition (2) in the temporary certificate issued in Docket No. CI62-1503, with respect to Samedan's notice of change, designated as Supplement No. 3 to Samedan's FPC Gas Rate Schedule No. 14, and for allowing such notice of change to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

¹⁴ Since the proposed increases relate to tax reimbursement with respect to an increased state tax, they should be suspended for only 1 day.

(A) Condition (2) in the temporary certificate issued in Docket No. CI62-1503 is hereby waived with respect to Samedan's notice of change, designated as Supplement No. 3 to Samedan's FPC Gas Rate Schedule No. 14, and such rate change is permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed

if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(D) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8

and 1.37(f)) on or before December 1, 1967.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12401; Filed, Oct. 20, 1967; 8:45 a.m.]

[Docket Nos. RI68-164 etc.]

SHELL OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 13, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-164	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	276	2	Panhandle Eastern Pipe Line Co. (Forgan Field, Beaver County, Okla.) (Panhandle Area).	\$309	9-15-67	12-1-67	5-1-68	\$17.00	\$18.01	
RI68-165	Warrior Oil Co., Post Office Box 706, Mount Vernon, Ill. 62864.	1	2	Michigan-Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	4,620	9-14-67	10-15-67	3-15-68	\$17.93	\$22.93	
RI68-166	E. A. Obering (Operator) et al., Post Office Box 706, Mount Vernon, Ill. 62864.	1	2	do.	1,325	9-15-67	10-16-67	3-16-68	\$17.92	\$20.42	
RI68-167	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	250	2	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (B.R. District No. 10).	415	9-18-67	10-10-67	3-12-68	\$17.00	\$17.25	
	do.	261	2	Northern Natural Gas Co. (Beechthold (Tonkawa) Field, Lipscomb County, Tex.) (B.R. District No. 10).	533	9-18-67	10-19-67	3-12-68	\$17.00	\$17.25	
	do.	307	1	Cities Service Gas Co. (Granite Wash Field, Hemphill County, Tex.) (B.R. District No. 10).	850	9-18-67	10-19-67	3-12-68	\$17.00	\$17.25	
	do.	272	6	Panhandle Eastern Pipe Line Co. (Northwest Avard Field, Woods County, Okla.) (Oklahoma "Other" Area).	2,343	9-18-67	10-19-67	3-12-68	\$15.97	\$18.10	
	do.	260	1	Cities Service Gas Co. (Lokken Field, Gray County, Tex.) (B.R. District No. 10).	399	9-21-67	11-23-67	4-23-68	\$17.0	\$17.25	
	do.	264	4	Panhandle Eastern Pipe Line Co. (East Greensburg Field, Woods County, Okla.) (Oklahoma "Other" Area).	624	9-19-67	10-19-67	3-12-68	\$16.5	\$18.7	
RI68-168	Texaco, Inc. (Operator) et al., Post Office Box 2420, Tulsa, Okla.	166	11	Kansas-Nebraska Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Oklahoma "Other" Area).	7,300	9-19-67	11-7-67	4-1-68	\$17.6	\$18.0	RI67-45
RI68-169	Robert E. Aikman et al., d.b.a. A.I.K. Ltd. No. 2, 706 Bank of Southwest Bldg., Amarillo, Tex. 79109.	18 18	5 6	Colorado Interstate Gas Co. (Mocano-Laverne Field, Harper County, Okla.) (Panhandle Area).	00	9-21-67 9-21-67	12-1-67 12-1-67	(Accepted) 5-1-68	\$15.0	\$17.0	
RI68-170	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	30	6	Cimarron Gas Transmission Co. (Southwest Enville Field, Sadler Unit, Love County, Okla.) (Oklahoma "Other" Area).	1,190	9-21-67	10-22-67	3-22-68	\$18.832	\$17.919	RI63-462
RI68-171	Coastal States Gas Producing Co., Petroleum Tower, Corpus Christi, Tex. 78403.	62	3	Arkansas Louisiana Gas Co. (Northwest Beaver Field, Grady County, Okla.) (Oklahoma "Other" Area).	144	9-22-67	12-23-67	5-23-68	\$12.0	\$13.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-172...	Tenneco Oil Co. (Operator) et al., Post Office Box 2511, Houston, Tex. 77001.	32	3	Colorado Interstate Gas Co. (Mecane Field, Beaver County, Okla.) (Panhandle Area).	3,025	9-21-67	10-22-67	3-22-68	15.0	17.0	

² The stated effective date is the effective date requested by Respondent.

³ Periodic rate increase.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ Subject to upward and downward B.t.u. adjustment.

⁶ The stated effective date is the first day after expiration of the statutory notice.

⁷ Two-step periodic increase. Periodic increase is 2.5 cents every 5 years.

⁸ Includes base price of 17.0 cents before increase and base price of 22.0 cents after increase plus 0.92-cent upward B.t.u. adjustment (1,093 B.t.u. gas). Base price subject to upward and downward B.t.u. adjustment.

⁹ Although Respondent is filing a two-step periodic increase to 22.0 cents, it also proposes an effective date of Mar. 9, 1962, with waiver of notice for a 19.5 cents rate, which was first periodic increase under contract.

¹⁰ Includes base price of 17.0 cents before increase and base price of 19.5 cents after increase plus 0.92-cent upward B.t.u. adjustment (1,092 B.t.u. gas). Base price subject to upward and downward B.t.u. adjustment.

¹¹ "Fractured" rate increase. Respondent contractually due 18.0 cents per Mcf.

¹² Subject to a downward B.t.u. adjustment.

¹³ Filing from certificated rate to initial contract rate.

¹⁴ Includes base rate of 15.0 cents plus 0.97-cent upward B.t.u. adjustment (1,065 B.t.u. gas) before increase and base price of 17.0 cents plus 1.10 cents upward B.t.u.

adjustment (1,065 B.t.u. gas) after increase. Base price subject to upward and downward B.t.u. adjustment.

¹⁵ Includes base rate of 15.0 cents plus 1.5 cents upward B.t.u. adjustment (1,100 B.t.u. gas) before increase and base rate of 17.0 cents plus 1.7 cents upward B.t.u. adjustment (1,100 B.t.u. gas). Base price subject to upward and downward B.t.u. adjustment.

¹⁶ Two-step periodic rate increase.

¹⁷ Subject to a 1.75 cents per Mcf compression charge deducted by buyer for gas compressed from Joe Morris No. A-2 Gas Unit.

¹⁸ Amendment dated Aug. 16, 1967, provides for 17.0 cents from Sept. 1, 1967, to Aug. 31, 1972, and 1-cent increases every 5 years thereafter; also changes measurement of heating value from dry to wet basis.

¹⁹ Renegotiated rate increase.

²⁰ Periodic rate increase, includes reimbursement of Excise and Production Taxes.

²¹ Includes base rate of 16.0 cents plus 0.832-cent upward B.t.u. adjustment before increase (1,052 B.t.u. gas) and base rate of 17.0 cents plus 0.834-cent upward B.t.u. adjustment after increase. Base rate is subject to upward and downward B.t.u. adjustment.

²² Redetermined rate increase.

Warrior Oil Co. (Warrior) requests waiver of the statutory notice to permit a retroactive effective date of March 9, 1967, for its proposed two-step periodic increase from 17 cents to 22 cents, plus upward B.t.u. adjustment, or, in the alternative, a September 1, 1967, effective date. Although Warrior's notice of changes proposes a two-step periodic increase, Warrior also requests Commission approval of the intermediate 19.5 cents periodic increase, which has not been previously filed for, to become effective as of March 9, 1962, the contractual effective date, with waiver of notice granted. E. A. Obering (Operator) et al., also request waiver of notice to permit a retroactive effective date of May 7, 1964, the contractual effective date, or, in the alternative, a September 1, 1967, effective date for their proposed rate increase. Tenneco Oil Co. (Operator) et al. (Tenneco), requests a retroactive effective date of June 1, 1967, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Warrior, Obering, and Tenneco's rate filings and such requests are denied.

Concurrently with the filing of its rate increase, Robert E. Aikman et al., doing business as A.I.K. Ltd. No. 2 (Aikman) submitted a contract amendment dated August 16, 1967, designated as Supplement No. 5 to Aikman's FPC Gas Rate Schedule No. 18, which provides for their proposed rate increase. We believe that it would be in the public interest to accept for filing Aikman's proposed contract amendment to become effective on December 1, 1967, the proposed effective date, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Aikman's contract amendment dated August 16, 1967, designated as Supplement No. 5 to Aikman's FPC Gas Rate Schedule No. 18, and for permitting such supplement to become effective on December 1, 1967, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Aikman's contract amendment dated August 16, 1967, designated as Supplement No. 5 to Aikman's FPC Gas Rate Schedule No. 18, is accepted for filing and permitted to become effective on December 1, 1967, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the

manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12402; Filed, Oct. 20, 1967; 8:46 a.m.]

[Project No. 2656]

CORDOVA PUBLIC UTILITIES

Notice of Application for Preliminary Permit for Unconstructed Project

OCTOBER 16, 1967.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Cordova Public Utilities (correspondence to: Cordova Public Utilities, Post Office Box 20, Cordova, Alaska 99574) for unconstructed Project No. 2656, known as Power Creek Hydroelectric Project, to be situated on Power Creek, about 4 miles upstream above its outlet into Eyak Lake, in the Third Judicial Division, Alaska in the vicinity of Cordova, and affecting lands of the United States within the Chugach National Forest.

The proposed project would consist of: (1) A rock-fill dam creating a reservoir with a maximum water surface elevation of 440 feet; (2) a spillway to pass maximum design flood; (3) a 48-inch or larger low pressure conduit approximately 5,500

feet long; (4) a surge tank; (5) a steel penstock approximately 700 feet long; (6) a powerhouse at elevation 60 feet, containing two 1,500 kw. units with provision for a third unit; and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 6, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12444; Filed, Oct. 20, 1967;
8:45 a.m.]

[Docket No. G-11181]

GAS GATHERING CORP.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

OCTOBER 12, 1967.

On notice of applications for certificates, abandonment of service and petitions to amend certificates, issued July 21, 1967 and published in the FEDERAL REGISTER August 1, 1967 (F.R. Doc. 67-8769, 32 F.R. 11179), Docket No. G-11181, column 3 of the table under "Purchaser, field, and location": Change location to read Lake LaRose Area, St. Martin Parish, La., in lieu of Lake LaRose Area, Pointe Coupee Parish, La.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12445; Filed, Oct. 20, 1967;
8:45 a.m.]

[Docket Nos. RI67-317, RI66-410]

HIGHLAND PRODUCTION CO.

Order Substituting Respondent, Redesignating Proceedings, Accepting Surety Bond for Filing, and Discharging Refund Obligation

OCTOBER 16, 1967.

By order issued September 19, 1967, in Docket No. G-6170 et al., the order issuing a certificate of public convenience and necessity to Hill & Meeker (Operator) et al., in Docket No. CI61-541 was amended by authorizing Highland Production Co. (Operator), agent, to continue the sale of natural gas heretofore authorized in said docket to be sold pursuant to Hill & Meeker's FPC Gas Rate Schedule No. 1. Said rate schedule was redesignated as Highland's FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-317. Hill & Meeker filed a notice of change in rate which is suspended in Docket No. RI66-410 and has not been made effective. Highland has submitted a surety bond to assure the refund of all amounts collected in ex-

cess of the amount determined to be just and reasonable in Docket No. RI61-317. Highland requests that its bond be accepted for filing in lieu of that filed by Hill & Meeker. Therefore, Highland will be substituted as respondent in the proceedings pending in Docket Nos. RI61-317 and RI66-410; the proceedings will be redesignated accordingly; Hill & Meeker and its surety, Houston Fire & Casualty Co., will be relieved from any refund obligation in Docket No. RI61-317; and the surety bond submitted by Highland in Docket No. RI61-317 will be accepted for filing.¹

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Highland should be substituted in lieu of Hill & Meeker as respondent in the proceedings pending in Docket Nos. RI61-317 and RI66-410, that said proceedings should be redesignated accordingly, that Hill & Meeker should be relieved from any refund obligation in Docket No. RI61-317, and that the surety bond submitted by Highland in Docket No. RI61-317 should be accepted for filing.

The Commission orders:

(A) Highland Production Co. (Operator), Agent, is substituted in lieu of Hill & Meeker (Operator) et al., as respondent in the proceedings pending in Docket Nos. RI61-317 and RI66-410, and said proceedings are redesignated accordingly.²

(B) Hill & Meeker (Operator) et al., as principal, and Houston Fire & Casualty Co., as surety, are relieved from any refund obligation in Docket No. RI61-317.

(C) The surety bond submitted by Highland Production Co. (Operator), Agent, in Docket No. RI61-317 is accepted for filing.

(D) Highland Production Co. (Operator), Agent, shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by it in Docket No. RI61-317 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12446; Filed, Oct. 20, 1967;
8:46 a.m.]

[Docket No. CP68-121]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 16, 1967.

Take notice that on October 9, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La.

¹The surety bond submitted by Highland recites that Highland filed the notice of change in rate in Docket No. RI61-317. This recitation will be construed as referring to the filing by Highland's predecessor in interest, Hill & Meeker.

²Highland Production Co. (Operator), Agent.

71102, filed in Docket No. CP68-121 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon the following natural gas facilities:

(1) A positive meter and regulator station and appurtenances, located at the Sonnelitner Cookie Co., Inc., Harrison County, Tex., plus approximately 294 feet of 2-inch pipeline which will be abandoned in place;

(2) An orifice meter and regulator station, 209 feet of 4-inch and 49 feet of 6-inch line pipe, together with appurtenant equipment, located at approximately mile post 6.0 on the Magasco-Pont Neches Main Line, Jefferson County, Tex., used for service to E. I. du Pont de Nemours & Co.;

(3) A positive meter and regulator station used to serve Robert A. Lee, located in Perry County, Miss.;

(4) Approximately 309 feet of 4½-inch O.D. line pipe and appurtenant facilities used to serve Texas Eastern Transmission Corp., located in Panola County, Tex.;

(5) A sales meter and regulator station with appurtenant equipment, located in Panola County, Tex., used for service to Arkansas Louisiana Gas Co. for resale to the town of Bethany, La., plus approximately 720 feet of 2-inch line which will be abandoned in place; and

(6) A compressor station, Iowa Compressor Station, consisting of sixteen 170-horsepower Cooper Bessemer Type 80 units, located in Jefferson Davis Parish, Louisiana.

Applicant states that the above facilities have been used to provide direct natural gas service to the customers set forth above and in the operation of Applicant's pipeline system. Applicant further states that the facilities are no longer needed as the contracts between Applicant and the above-named purchasers have terminated.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 13, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest

or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12447; Filed, Oct. 20, 1967;
8:46 a.m.]

[Docket No. RP66-5]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Proposed Changes in Rates and Tariff Provisions

OCTOBER 12, 1967.

Take notice that on September 28, 1967, the Manufacturers Light and Heat Co. tendered for filing proposed changes in the level of certain of its jurisdictional rates and certain provisions of its FPC Gas Tariff, Fifth Revised Volume No. 1. The proposed changes which are requested to be effective November 1, 1967, are stated to reduce the level of currently effective rates, subject to refund in this proceeding, approximately \$1.9 million annually, based upon sales for the 12 months ending October 31, 1967.

Manufacturers states it is filing this interim rate reduction in order that its wholesale customers may realize the benefits of reduced rates at this time rather than to await final settlement of the proceedings in Docket No. RP66-5. The company also states that acceptance by the Commission of the enclosed filing is without prejudice to the position of Manufacturers or any of its wholesale customers or of any party, and that any consideration of the tendered rates requested to be effective November 1, 1967, as aforementioned, be considered a part of the proceedings in Docket No. RP66-5.

The rates proposed to be changed are contained in Rate Schedules: CDS-1, SGS-1, WS, EX-1, and SR-1. The tendered tariff sheets are as follows: Original Sheet Nos. 31 and 32; First Revised Sheet Nos. 1, 6, 7, 8, 9, 21, 22, 23, 24, 25, 26, 27, 28, 30, 35, 42, 51, 52, 53, 55, 56, 57, and 59; and Second Revised Sheet No. 2.

Copies of the proposed tariff changes were served on all parties, customers, and interested State commissions, whether interveners or not in this proceeding.

Comments on the tendered filing and tariff changes may be filed with the Commission on or before October 25, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12530; Filed, Oct. 20, 1967;
10:51 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COT- TON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry and Withdrawal From Ware- house for Consumption

OCTOBER 13, 1967.

On August 14, 1967, after discussions with the Government of the Socialist Republic of Romania, the U.S. Government requested the Government of the Socialist Republic of Romania to restrain for the 12-month period, beginning August 14, 1967, and extending through August 13, 1968, its exports to the United States of cotton textiles and cotton textile products in Category 34 produced or manufactured in Romania. In furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) relating to nonparticipants, the U.S. Government is establishing a restraint in accordance with that request. This restraint does not apply to cotton textiles or cotton textile products produced or manufactured in Romania and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of October 11, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles and cotton textile products in Category 34 produced or manufactured in Romania which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 14, 1967, be limited to the designated level.

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Sec-
retary for Resources.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

WASHINGTON, D.C. 20230
October 11, 1967.

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C. 20226.*

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214, of April 7, 1965, you are directed to prohibit, effective as soon as possible after October 12, 1967, and for the 12-month period beginning August 14, 1967, and extending through August 13, 1968, entry into the United States for consumption and with-

drawal from warehouse for consumption, of cotton textiles and cotton textile products in Category 34, produced or manufactured in Romania, in excess of a level of restraint for the period of 140,000 pieces.

In carrying out this directive entries of cotton textiles and cotton textile products in Category 34 produced or manufactured in Romania and which have been exported to the United States prior to August 14, 1967, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
*Secretary of Commerce, Chairman,
President's Cabinet Textile Ad-
visory Committee.*

[F.R. Doc. 67-12462; Filed, Oct. 20, 1967;
8:47 a.m.]

TARIFF COMMISSION

[F.R. Doc. 67-12462; Filed, Oct. 20, 1967;

CERTAIN WORKERS OF ROCKWELL- STANDARD CORP.'S BUMPER DIVI- SION PLANT, MISHAWAKA, IND.

Report to Automotive Agreement Ad- justment Assistance Board in Ad- justment Assistance Case

OCTOBER 17, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-18, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Mishawaka, Ind., plant of Rockwell-Standard Corp.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of an investigation (APTA-W-18) concerning the dislocation of cer-

tain workers engaged in the production of automotive bumpers at the Mishawaka, Ind., plant of the Bumper Division of Rockwell-Standard Corp. The Commission instituted the investigation on August 29, 1967, upon receipt of a request for investigation on August 28, 1967, from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 12702) on September 1, 1967.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance that was filed with the Assistance Board on August 23, 1967, by the International Union, United Automobile Aerospace & Agricultural Implement Workers of America (U.A.W.) and its Local No. 586, on behalf of a group of workers at the Mishawaka plant of the Bumper Division of Rockwell-Standard Corp. Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The petition stated that on June 26, 1967, Rockwell-Standard Corp., advised the U.A.W. that it would discontinue operations at the Mishawaka plant on or before July 31, 1967, with some 554 employees to be affected by permanent layoffs. The petition further stated that approximately 12 percent of the annual volume of work performed at the Mishawaka plant was shifted to Canada as a result of the Mishawaka plant's closing. The petition, therefore, attributes the layoff of 66 employees or 12 percent of the 554 employees affected by the plant closing to the United States-Canadian Automotive Trade Agreement.

The information reported herein was obtained from a variety of sources, including Rockwell-Standard Corp., U.A.W. Local 586, the Commission's files, and through fieldwork by members of the Commission's staff.

The automotive product involved—bumpers. Bumpers are devices which are secured to the front and rear of most motor vehicles for the purpose of absorbing shocks and preventing damage in minor collisions. They are generally produced from carbon steel sheets by blanking and drawing processes. Subsequent to forming, bumpers are nickel plated, buffed, chrome plated, and polished in order to improve their appearance and corrosion resistance.

The aforementioned articles are dutiable under item 692.27 of the Tariff Schedules of the United States at 8.5 percent ad valorem unless they are Canadian articles for use as "original motor-vehicle equipment", in which event they are entered duty free under item 692.28.

Rockwell-Standard Corp. Rockwell-Standard Corp., with headquarters in Pittsburgh, Pa., is a large corporation

that operates 32 plants in the United States and 11 in Canada. It had net sales of \$636 million in 1966; parts for trucks, trailers, and buses accounted for 43 percent of 1966 sales, and parts of passenger automobiles for 22 percent. In addition to bumpers, Rockwell-Standard produces such automotive products as axles, brakes, universal joints, transmissions, springs, seats, wheel covers, and lamp assemblies.¹

Prior to the closing of the Mishawaka plant Rockwell-Standard produced bumpers at Mishawaka, Ind., Newton Falls, Ohio, and Chatham, Ontario. All three of these plants had produced bumpers for several years prior to the enactment of the Automotive Products Trade Act of 1965. The two U.S. plants were operated by the Corporation's Bumper Division and the Canadian plant by Ontario Steel Products Co., Ltd., a subsidiary company * * *.

Production and trade between the United States and Canada. The Tariff Commission obtained information from the major North American motor-vehicle producers that was representative of production and trade between the United States and Canada in bumpers for use as

¹ The information contained in this paragraph is applicable to Rockwell-Standard Corp. prior to Sept. 22, 1967, when it merged with North American Aviation, Inc., to form a new company known as North American Rockwell Corp.

TABLE 1.—BUMPERS: UNITED STATES AND CANADIAN PRODUCTION, AND U.S. EXPORTS TO AND IMPORTS FROM CANADA FOR USE AS ORIGINAL EQUIPMENT IN THE ASSEMBLY OF MOTOR VEHICLES, MODEL YEARS 1964-67, AND MONTHLY MARCH-AUGUST 1964 AND 1967

(Number of bumpers)				
Model year ending July 31—	U.S. production	Canadian production	U.S. imports from Canada	U.S. exports to Canada
1964.....	17,648,629	1,064,549	112,510	294,400
1965.....	19,815,850	1,116,220	183,880	390,000
1966.....	19,780,920	1,032,570	210,820	635,640
1967.....	17,320,220	1,570,710	824,470	755,950
1964:				
March 1964.....	1,023,220	100,110	12,160	23,280
April.....	1,769,220	103,740	12,120	31,940
May.....	1,630,700	97,470	10,740	30,150
June.....	1,754,640	103,680	9,940	32,030
Subtotal.....	6,783,110	407,000	44,990	122,400
July.....	1,327,670	29,560	1,680	12,560
August.....	335,800	14,730	5,470	7,200
Total.....	8,456,540	451,290	52,440	142,160
1967:				
March 1967.....	1,543,020	145,450	82,240	61,420
April.....	1,433,210	123,670	59,600	55,630
May.....	1,713,630	124,520	76,620	72,310
June.....	1,769,770	169,780	79,110	75,120
Subtotal.....	6,459,640	563,420	297,670	264,480
July.....	919,330	67,410	29,330	49,700
August.....	530,820	63,620	59,470	12,310
Total.....	7,909,690	722,220	386,420	317,490

Source: Compiled by the U.S. Tariff Commission from reports submitted by 7 major motor-vehicle manufacturers.

By direction of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 67-12423; Filed, Oct. 20, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 476]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 18, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 123890 (Sub-No. 1 TA) (Clarification), filed September 11, 1967, published FEDERAL REGISTER issue of September 20, 1967, and republished this issue. Applicant: BEKINS VAN & STORAGE CO., INC., 5301 Menaul Boulevard NE., Post Office 3248, Albuquerque, N. Mex. 87110. Applicant's representative: Jackson W. Kendall, Bekins & Storage Co., 1335 South Figueroa Street, Los Angeles, Calif. 90015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in Ex Parte MC-19 (17 MCC 467) as amended, between points in New Mexico, restricted to shipments having a prior or subsequent out-of-State movement, for 180 days. Applicant proposes to interline with Bekins Van Lines Co., MC 52793, at any point in New Mexico. Supporting shippers: Bekins Household Shipping Co., 820 East D Street, Wilmington, Calif.; Richardson Transfer & Storage Co., 1140 South Santa Fe Avenue, Compton, Calif.; Bekins Van Lines Co. (International), 220 East D Street, Wilmington, Calif.; Bekins Van Lines Co., 1335

South Figueroa Street, Los Angeles, Calif. 90015. NOTE: The purpose of this republication is to clarify the authority sought by noting the interline information. Send protests to: District Supervisor, Jerry R. Murphy, Interstate Commerce Commission, Bureau of Operations, 109 Federal Building, 421 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 124899 (Sub-No. 9 TA), filed October 13, 1967. Applicant: RAY BETHERS, Post Office Box 116, Kamas, Utah 84036. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, for the account of Forest Products Sales, from Montrose, Mancos, and Dolores, Colo., to Salt Lake City, Ogden, and Kamas, Utah; (2) *lumber*, for the account of Provo River Lumber Co., from a lumber mill situated approximately 4 miles south of Heber City, Utah, to points in Colorado, Arizona, New Mexico, Nevada, and California; and (3) (a) *lime*, from Henderson, Nev., to points in Utah; (b) *sheetrock and roofing materials*, from Cody, Wyo., to points in Utah, for the account of Acme Building Products, Inc., for 180 days. Supporting shippers: Forest Products Sales, 3140 South Main Street, Salt Lake City, Utah 84115; Provo River Lumber Co., Post Office Box 235, Heber City, Utah 84032; and Acme Building Products, Inc., 2450 South Seventh West Street, Salt Lake City, Utah 84119. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 127047 (Sub-No. 4 TA), filed October 13, 1967. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, Kans. 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating compounds*, in packages and containers, from Minneapolis, Minn., to points in Iowa on and south of U.S. Highway 30, and points in Nebraska, Missouri, and Kansas, for 180 days. Supporting shipper: Richards Chemical Co., 715 Park Avenue, Minneapolis, Minn. 55451. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 129458 (Sub-No. 1 TA), filed October 13, 1967. Applicant: S & D EXPRESS, INC., 5221 South Highway No. 37, Bloomington, Ind. 47401. Applicant's representative: Warren C. Moberly, 1212

Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tents, tent poles, tent pins, metal tent pins, tent frames, tent liners, tarpaulin and canvas goods, canteen cups, rod insect bars and clips, and clamps going therewith, snap links, and cargo shelf support (for back packs)*; from Bedford, Indianapolis, and Gosport, Ind., to U.S. Government depots at Ogden, Utah; Mechanicsburg (Cumberland County), Pa.; Atlanta, Ga.; Memphis, Tenn.; Richmond, Va.; New Orleans, La.; and Los Angeles, Calif.; *canvas goods (rolls or bales), screening, webbing, and other fabric products for use in manufacturing tents, tent liners, tarpaulins, and canvas goods*; from Richmond, Va.; Mechanicsburg (Cumberland County), Pa.; and New Orleans, La., to Indianapolis and Gosport, Ind.; *iron and steel, and iron and steel products*; from Chicago, Chicago Heights, and Crystal Lake, Ill.; Pittsburgh, Pa.; and Lorain, Ohio; to Bedford, Ind., for 180 days. Supporting shippers: Maco Tool & Engineering, Inc. (47421), 1320 Stalker Avenue, Bedford, Ind., and Hoosier Tarpaulin & Canvas Goods Co., Inc., 1302 West Washington Street, Indianapolis, Ind. 46222. Send protests to: Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129461 TA, filed October 13, 1967. Applicant: TRANSCONTINENTAL HAULERS, INC., 5925 Landers Avenue, Chicago, Ill. 60646. Applicant's representative: William B. Miller, 135 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, supplies and equipment*, (1) from Port Clinton, Ohio, to Los Angeles and San Francisco, Calif.; Fort Lauderdale, Fla.; and Brunswick, Ga.; (2) from Sturgeon Bay, Wis., to Long Beach and San Diego, Calif.; (3) from New York, N.Y., and Baltimore, Md., to Chicago, Ill.; Detroit, Mich.; and Milwaukee, Wis., for 180 days. Supporting shippers: Peterson Builders, Inc., Sturgeon Bay, Wis.; The Mattherus Co., Port Clinton, Ohio; American Marine, Ltd. (Calif.), 901 Daven Drive, Newport Beach, Calif. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn, Chicago, Ill. 60604.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 67-12469; Filed, Oct. 20, 1967;
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

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